

1 value, loss of leases and reduction of rents from what they
2 would be under the current plan for hotels, office buildings
3 and restaurants; that at least one commercial building tenant
4 announced his intention to move because of the jail. These
5 are matters upon which an expert may lawfully base his
6 opinion. (Evidence Code, section 821.)

7 The Court believes that County should make the sort of
8 inquiry in Project area made by Mr. White and report it in
9 EIR; that by failing to so do County has not complied with
10 law.

11 This deficiency is not corrected by County's producing at
12 trial statements from Mr. Wimbush and Mr. Smull, the manager
13 and owner, respectively of property in the area, favoring
14 Project. These statements were not in EIR 464. The law
15 requires that the EIR contain the information. (Santiago
16 County Water District v. City of Orange (1981) 118 Cal.App.3d
17 818, 831.)

18 By this ruling the court is not deciding that EIR's
19 environmental conclusion of no chain of causation, if based on
20 relevant facts would be incorrect. Courts are not permitted
21 to pass upon the correctness of an agency's environmental
22 conclusions. (Environmental Planning & Information Council v.
23 City of El Dorado (1982) 131 Cal.App.3d 350, 355.) Instead,
24 the court is deciding that EIR 464 fails to provide a
25 "reasoned analysis", i.e., any relevant facts, for its
26 conclusion as required by law. (Whitman v. Board of
27 Supervisors of Ventura County, supra, p.411.) An analysis is
28

1 not "reasoned" when it is not based on relevant facts. For
2 the same reason -- lack of relevant facts in support -- the
3 DEIR conclusion that the jail is not considered to cause a
4 significant economic or social impact (Exhibit 1, p. 911) does
5 not comply with the law.
6

7 TWENTY-SIXTH CAUSE OF ACTION

8 (EIR Fails to Disclose Project's Significant
9 Adverse Cumulative Impacts)

10
11 The law requires that the EIR discuss significant
12 cumulative impacts (Guidelines 15130 (a)). Such discussion
13 must contain either (A) a list of past, present and reasonably
14 anticipated future projects producing related or cumulative
15 impacts ..., or (B) a summary of projects contained in an
16 adopted general plan or related planning document which is
17 designed to evaluate regional or areawide conditions
18 (Guideline 15130 (b)(1)(A),(B).)

19 County's discussion of cumulative impacts (Exhibit 1, p.
20 1229-1231 (DEIR Section 9.01); Exhibit 1, p. 2006, 2007 (EIR,
21 Response to City's Comments No. CAII No. 281-284) indicates
22 that there will be some area of significant adverse cumulative
23 impacts (Exhibit 1, p. 1231 (DEIR section 9.0, e.g.
24 Visual/Aesthetics, Transportation/Circulation, Air Quality,
25 Noise, Services/Utilities), Exhibit 1, p.1933 (EIR Response to
26 City's Comments No. 284, items 5 and 6: Traffic/Circulation,
27 Air Quality).) Despite this, County has not complied with
28

1 either of the above requirements (A) or (B).

2 As to requirement (A), EIR 464 does not contain the
3 requisite list. The list relied on by County is limited to
4 "committed" projects (see Exhibit 1, p. 1229 where EIR 464
5 uses the word "committed" five times in describing the
6 projects it considered). EIR 464 does not refer to other than
7 "committed" projects regarding cumulative impacts.

8 "Committed" means to obligate or bind to take a course of
9 action (Webster's 3rd New International Dictionary).
10 "Reasonably anticipated future projects" would not be
11 "committed" projects under this definition. Therefore, County
12 has improperly restricted the scope of its list. There may
13 well be many other reasonably anticipated projects. If there
14 are, County should list them. If there aren't, County should
15 say so.

16 This deficiency is not cured by trial testimony of Mr.
17 Ruane, County's officer in charge of preparing EIR 464, that
18 County considered other projects. County is limited to what
19 EIR 464 contains; deficiencies cannot be supplied by what an
20 official may have known. (Santiago County Water District v.
21 County of Orange, supra, p. 831.)

22 Nor is this deficiency cured by County's referring to
23 City's EIR 274 (Exhibit 27, City's EIR for the Anaheim Stadium
24 Business Center). County argues that EIR 274 lists two
25 projects as "in process", apparently arguing that they are not
26 "committed". (These are the Hanover/Katella Office Park and
27 Gardner/Sigal Project). County argues that County considered
28

1 them. But this does not help County, for DEIR 464 includes
2 those same two projects as "committed" (Exhibit 1, p. 1229,
3 (DEIR Section 9.0).) (Query: is this difference explained by
4 the possibility that these two projects were in process when
5 No. 274 was prepared but had become committed by the time No.
6 464 was prepared?)

7 Nor is this deficiency cured by City's not reporting the
8 identity of projects not included by County. City is under no
9 obligation to County to so do.

10 As to requirement B, EIR 464 does not contain the
11 requisite "summary of projections contained in a general plan
12 or related planning document...." County relies on City's
13 DEIR 274 as containing such a summary. But that document is
14 only a draft EIR for a proposed amendment to City's general
15 plan. It is not an "adopted" general plan, nor is it a
16 planning document "related to an approved general plan".
17 County has not complied with the law as to this cause of
18 action.

19 In view of this, there is no need to consider City's
20 additional argument that County's analysis of cumulative
21 impacts is inadequate.

22
23 TWENTY-SEVENTH CAUSE OF ACTION

24 (EIR Fails to Disclose Feasible Mitigation Measures, etc.)
25

26 Where a project involves significant environmental
27 impacts which may be avoided or lessened by changes or
28

1 alterations within the jurisdiction of another agency than the
2 agency making the finding, the law requires the agency
3 proposing the project to not approve the project without first
4 making a finding that such changes have been adopted by the
5 other agency, or can and should be so adopted. But this
6 finding may not be made if the agency making the finding has
7 concurrent jurisdiction with the other agency. (Guideline
8 15091 (a), (b), (c).)

9 As to traffic and circulation impacts, County has
10 violated Guideline 15091 (c) by finding that City "can and
11 should" adopt mitigation measures regarding improving Katella
12 Avenue (Exhibit 1), p. 2307 County Resolution No. 86-1612,
13 Exhibit A-1 at 3) without disclosing any evidence to support
14 its conclusion that County has no jurisdiction in this matter
15 (Exhibit 1, p. 2307). It appears that County may have at
16 least concurrent jurisdiction (Street and Highways Code
17 section 1680(a).)

18 As to fire, police and water service mitigation measures,
19 County violated Guideline 15091 (a) (2) for not finding that
20 City has jurisdiction to make the proposed changes or
21 alterations (Exhibit 1, p.1001, 1002, 1008) and violated
22 Guideline 15091 (b) for not stating facts to support its
23 conclusion that City can and should act in the area in
24 question.

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1 TWENTY-EIGHTH CAUSE OF ACTION

2 (EIR Fails to Evaluate Alternatives to Project)

3
4 The law requires that the EIR describe a range of
5 reasonable alternatives to the location of the project.
6 (Guideline 15126 (d).) County has not complied with this law.

7 County adopted six criteria for the Project site, one of
8 which is that "the site should be adequate in size (7 acre
9 minimum..." (Exhibit 1, p. 914 (DEIR).) But County previously
10 had specified that the site be "approximately 2.5 to 7 acres
11 in accordance with the land area required for a 1000 to 1200
12 be facility according to the Omni Report." (Exhibit 1, p.1250
13 (CAO letter to Board of Supervisors, 3/18/86, Appendix A to
14 DEIR); and see Exhibit 1, p. 20 (minutes of Board of
15 Supervisors Meeting of 3/11/86.) County has presented no
16 facts to support (1) the "7 acre minimum" of the DEIR; (2) the
17 above noted change in minimum area from 2.5 to 7 acres. The
18 approximate 50% increase in jail population from 1000 to 1581
19 would not account for the approximate 300% increase in area
20 (2.5 acres increased to 7 acres) needed for the site. The EIR
21 gives no reason to justify this minimum 7 acre criterion. Mr.
22 Ruane conceded this in his testimony. As a result, EIR 464
23 unreasonably limits alternatives to be considered.

24 County relied solely on that criterion to reject the
25 Santa Ana Civic Center area, the Manchester Complex and the
26 Youth Guidance Center as reasonable alternatives although at
27 least 2.8 acres, 3.6 acres and 4.5 acres were available
28

1 respectively as of March 18, 1986 (Exhibit 1, p.1260 (CAO
2 letter to Board of Supervisors, 3/18/86, Exhibit A).)

3 The matter takes on additional importance in view of the
4 trial testimony of James Steinmann that the Santa Ana Civic
5 Center, containing a variety of sites, is a reasonable
6 alternative site for Project even using the preferred style of
7 building -- the IRC "footprint." (See Exhibit 1, p. 1613,
8 1620 (Steinmann Report).) It should be noted that Mr.
9 Steinmann also testified, clarifying his ambiguous deposition
10 testimony (Steinmann deposition, p. 54, line 20 to page 55,
11 line 6), that the reason for his conclusion in his report that
12 the Civic Center should not be considered was because other
13 sites were more cost effective. Thus it appears that any
14 doubt in his mind regarding the reasonableness of the Civic
15 Center site was based on cost considerations and not on
16 available acreage.

17
18 THIRTY-FIRST CAUSE OF ACTION

19 (County Violated CEQA by Failing to
20 Recirculate a Revised EIR)

21
22 The law requires an additional EIR be prepared to the one
23 previously prepared where new information of substantial
24 importance becomes available which was not known and could not
25 have been known when the previous EIR was certified, and the
26 new information shows that alternatives previously found not
27 to be feasible would in fact be feasible and would
28 substantially reduce one or more of the significant effects of

1 the Project. (Guideline 15162 (a) (3).)

2 EIR 464 rejected the Lacy facility at the Manchester
3 Complex as an alternative. One reason stated for this
4 rejection was that at the time EIR was prepared Lacy was a
5 minimum security facility (Exhibit 1, p. 2005 (Response to
6 Comments, CAII, No. 273)); that Project would not be used for
7 minimum security inmates (Exhibit 1, p. 2003 (Response to
8 Comments CAII No. 264)) but would be used for maximum inmates
9 (Exhibit 1, p. 1256, and Exhibit 1, p. 27a and 38 (Minutes of
10 Board of Supervisors, 3/18/86 with Attachment No. 1 approving
11 foregoing maximum security objective).)

12 A second reason reported in EIR 464 for rejecting Lacy
13 was its inadequate size (Exhibit 1, pp. 30 and 1768 (Exhibit A
14 to CAO letter of 3/18/86 to Board of Supervisors).)

15 Subsequent to the certification of EIR 464 on December
16 17, 1986 (Exhibit 1, p. 2436-2439 (Minutes of Board of
17 Supervisors, 12/17/86)), County adopted EIR 475 for the
18 expansion of the Theo Lacy Branch Jail. The expansion calls
19 for the housing of 300 maximum security risk women at Lacy
20 (Exhibit 30, p. 39 (EIR 475, Lacy Expansion).) (600 if double
21 bunking is used, according to Mr. Ruane's testimony.) This
22 expansion also calls for demolishing nearby county buildings
23 that would increase the available acreage. (Exhibit 30, p.
24 111-113 (EIR 475, Lacy Expansion).) Mr. Ruane testified that
25 this acreage should accommodate the IRC footprint.

26 These two projected changes in the use and size of Lacy
27 would appear to remove County's two reasons for rejecting Lacy
28

1 as a feasible alternative to Project site.

2 Locating Project at Lacy would substantially reduce the
3 adverse physical changes to the Katella-Douglass site from the
4 economic/social impacts described in the Eighth Cause of
5 Action.

6 County should have submitted an additional EIR. For
7 failing to do so, County has violated Guideline 15162 (a) (3).

8 The cases cited by County in opposition to City's
9 position are distinguishable on their facts (Bowman v. City of
10 Petaluma (1986) 185 Cal.App.3d 1065) or law (Vermont
11 Yankee...v. Natural Resources... (1978) 435 U.S. 519).

12 It is not necessary to consider City's point regarding
13 County's further considering the remote site -- a matter which
14 County appears to be doing voluntarily.

15
16 THIRTY-FOURTH CAUSE OF ACTION

17 (Declaratory Relief)

18
19 This cause of action is disposed of by the above rulings.
20 Based on the above points, City is entitled to judgment.

21
22 The Court rules on and discusses the remaining causes of
23 action for whatever assistance this may be to the parties, in
24 case County submits another EIR for Project site or in the
25 event of further litigation as to this action.

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1 it provide the Commission with the requisite jurisdiction.

2 The ambiguity is removed by the interpretation placed
3 upon it by City and County in their administrative practice.
4 (Gay Law. . .v. Pacific Tel. & Tel. (1979) 24 Cal.3d 458,
5 491.) Both the Planning Commission and the Anaheim Planning
6 Department have on occasion been furnished by County with data
7 regarding projects and have made Section 65402 (b) reports.
8 (Exhibits 45, 46, 51 for Planning Commission; Exhibits 52, 54,
9 55 for Planning Department. These exhibits are now received
10 in evidence over objection.) Both agencies may be regarded as
11 City's planning agency for section 65402 (b) purposes.

12 The evidence is that the Planning Department was
13 furnished with the requisite data; that it assisted City in
14 commenting on the non-conformity of Project with City's
15 general plan (Exhibit 1, pp. 1885, 1902, 1903).

16 County substantially complied with section 65402 (b), as
17 so construed. Adequacy and completeness, not perfection, is
18 the standard.

19 City has not proved a violation of section 65402 (b).
20 (San Francisco Ecology Center v. City and County of San
21 Francisco, supra p. 594).

22
23 SECOND AND FIFTH CAUSE OF ACTION

24 (The Project Violates City's General Plan
25 and Government Code Section 65402(b))
26

27 The law prohibits a county from authorizing a public
28

1 building in a city which city has a general plan without first
2 submitting such building to the city's planning agency, having
3 jurisdiction, for a report as to conformity of that building
4 with the city's general plan. (Government Code section 65402
5 (b).)

6 This statute does not expressly give City a veto over
7 County's project, nor does it expressly give County the power
8 to override City's general plan.

9 City argues that on principles of statutory construction
10 and on policy grounds Government Code Section 65402(b) should
11 be interpreted to prohibit County's project because it is
12 inconsistent with City's general plan for the area in
13 question.

14 County argues among other things that such interpretation
15 would violate the ban of CCP Section 1858 which provides that
16 a court cannot supply that which the legislature omits.

17 City replies that by the same token Section 1858 would
18 bar the Court from supplying a provision that would give
19 County an override over City's general plan; that the Court
20 would supply this were it to rule against City.

21 Which agency should prevail over the other is a political
22 question for the legislature to decide. Courts would properly
23 get into this matter to decide the constitutionality of that
24 legislation if it should be forthcoming.

25 City has not proved this cause of action.

26 / /

27 / /

28 / /

1 NINTH CAUSE OF ACTION

2 (EIR Fails to Disclose Project's Significant
3 Adverse Land Use Impacts)

4
5 An EIR must disclose significant adverse land use impacts
6 (Guideline 15126 (a)).

7 EIR 464 discloses land use impacts (Exhibit 1, p. 945-950
8 (DEIR, section 4.5.2)). But it does not expressly state that
9 they are or are not significant. (This is another example of
10 EIR's defect described in the seventh cause of action.) EIR
11 464 seems to imply that they are not significant (Exhibit 1,
12 1176 (Response to Comments of City No. 99)). It states that
13 Project will fit into City's general plan because it will
14 "emulate" other buildings in the area in question (Exhibit 1,
15 p. 1977 and p. 947).

16 City's argument that County's conclusion is incorrect is
17 irrelevant to this suit. As noted above, it is not for the
18 court to decide if City's conclusions are correct.

19 City has not proved this cause of action.

20
21 FOURTEENTH CAUSE OF ACTION

22 (EIR Fails to Disclose Project's Significant
23 Adverse Visual/Aesthetic Impacts)

24
25 EIR 464 discloses visual/aesthetic impacts (Exhibit 1,
26 p.951 et seq.) and implies that they are not substantial
27 adverse ones (Exhibit 1, p. 1977 (CAII No. 100)). The Court
28

1 decides this issue the same as the Ninth Cause of Action and (
2 for the same reason.

3
4 FIFTEENTH CAUSE OF ACTION

5 (EIR Fails to Disclose Project's Significant Adverse
6 Transportation/Circulation Impacts)
7

8 DEIR 464 discloses transportation/circulation impacts
9 (Exhibit 1, p. 957-981). EIR 464 implies that they are not
10 substantial adverse ones. The court decides this issue the
11 same as the Ninth Cause of Action and for the same reason.
12

13 EIGHTEENTH CAUSE OF ACTION

14 (EIR Fails to Disclose Project's Significant
15 Adverse Police Services Impacts)
16

17 DEIR 464 discloses police services impacts (Exhibit 1,
18 p.1001 et seq.) EIR 464 implies that they are not substantial
19 adverse ones or will be mitigated to insignificance (Exhibit
20 1, p. 1993-1995 (County Response to City's Comments, CAII 202-
21 207)). The Court decides this issue the same as the Ninth
22 Cause of Action and for the same reason.

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1 Katella/Douglass site from start to finish, as is apparent
2 from the Board's minutes (Exhibit 1 p. 39 (Minutes of Board of
3 Supervisors, 3/18/86); Exhibit 1, p. 2355 (Minutes of Board of
4 Supervisors, 12/17/86)).

5 City also relies on an alleged statement to the press by
6 Supervisor Riley of a "pact of blood" between Supervisor
7 Stanton and Nestande to not support the jail in the other's
8 district (Exhibit 4 (Orange County Register, 3/16/86)). But
9 Riley testified that his statement was based on rumor; that he
10 did not know if there was such a pact, although this sort of
11 agreement is common. (Logrolling is a matter of common
12 knowledge.) Nestande denied that there was such an agreement.

13 City also relies on County's early selection of
14 Katella/Douglass as the "favored site." But the law permits
15 selection of a favored site and requires alternatives to it be
16 considered (Guideline 15126(d)(1).) City seems to argue that
17 the Board regarded the selection of a favored site as the
18 final decision. The only evidence tending to prove that the
19 Board so regarded the favored site is Nestande's above
20 statement which, as noted, is not binding on the other members
21 of the Board and is of little weight as to Nestande because of
22 the uncertainty regarding what his exact words were.

23 Contrary to City's argument, County's Chief
24 Administrative Officer's opinion that there is "no difference"
25 between the decision for a favored site and the subsequent
26 decision approving EIR 464 is not evidence of Board pre-
27 determination. Nor does that staff officer's opinion (he
28

1 subsequently admitted it was ill-advised) that the EIR process
2 is "bureaucratic nonsense", as well as various rumors among
3 other staff members constitute evidence of Board pre-
4 determination.

5 City also points to the speed with which County acted in
6 adopting Project as evidence of pre-determination. Not so.
7 The more reasonable explanation for this haste was that County
8 was faced with U.S. District Court Judge Gray's contempt
9 action for not moving faster to solve the Civic Center jail
10 overcrowding problem.

11 Judgment will issue for City against County for costs and
12 for an injunction and writ of mandate as prayed in the causes
13 of action proved. Counsel for City will prepare judgment and
14 writ for Court's signature.

15 This is the Court's Statement of Decision unless either
16 side takes Rule 232 action.

17 Dated: JUN 2 1988
18

19 CLAUDE M. OWENS
20 Claude M. Owens
21 Judge of the Superior Court
22 (Retired) Assigned
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AMENDED IN SENATE JULY 8, 1996
AMENDED IN SENATE JUNE 11, 1996
AMENDED IN ASSEMBLY MAY 24, 1996
AMENDED IN ASSEMBLY APRIL 24, 1996

CALIFORNIA LEGISLATURE—1993-96 REGULAR SESSION

ASSEMBLY BILL

No. 3229

Introduced by Assembly Member Brulte and Senator
Lockyer
(Coauthor: Assembly Member Bowen)
(Coauthor: Senator Wright)

February 23, 1996

An act to add Chapter 6.7 (commencing with Section 30061) to Division 3 of Title 3 of the Government Code, and to add Article 14 (commencing with Section 18900) to Chapter 3 of Part 10.9 of Division 9 of the Revenue and Taxation Code, relating to taxation; and making an appropriation therefor, relating to local government finance, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 3229, as amended, Brulte. Income taxes: designations: Local Law Enforcement Fund Local law enforcement: supplemental funding.

EXHIBIT I I

000966

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Under the Personal Income Tax Law, taxpayers are allowed to contribute amounts in excess of their tax liability for the support of specified funds or accounts.

This bill would additionally allow taxpayers to designate on their tax returns that an amount equal to 1% of their tax liability be contributed to the Local Law Enforcement Fund, which would be created by this bill. It would require the Franchise Tax Board to determine annually the total amount designated and to notify the Controller of the amounts to be transferred by the Controller from the Personal Income Tax Fund to the Local Law Enforcement Fund. It would continuously appropriate the money in the Local Law Enforcement Fund to the Controller for allocation to the Franchise Tax Board and the Controller to cover costs incurred in collecting and administering the funds, and to designated counties for purposes of local law enforcement, as provided. The bill would require the Franchise Tax Board to revise the form of tax returns to provide for the designation.

Existing provisions of the California Constitution and related implementing statutes provide for the imposition of a specified statewide sales and use tax rate, and require that the revenues derived from that rate be allocated to qualifying local agencies, as described, to supplement otherwise available funding for local public safety services, as defined.

This bill would require the Controller, pursuant to written requests from a county or city and county, to allocate \$100,000,000, which is appropriated by the Budget Act of 1996, to counties, cities, and a certain special district in the County of San Mateo, for purposes of the Citizens Option for Public Safety (COPS) Program established by this bill.

This bill would, pursuant to the COPS program, require all Local Law Enforcement Fund moneys allocated to a county pursuant to this bill to be deposited in a Supplemental Law Enforcement Services Fund (SLESF), as provided, for allocation in accordance with specified formulas and procedures to the county sheriff, district attorney, the county, and cities, and a certain special district in the County of San Mateo, to be expended exclusively, except as otherwise provided for certain counties with respect to misdemeanor prosecutions, for county jails, police, sheriff, and district

attorney services. This bill would require a city receiving a SLESF allocation to deposit that allocation in its own SLESF, prior to expending those moneys as required by this bill. This bill would, as provided, require each county auditor and city treasurer to regularly report with respect to SLESF allocations to, among other local bodies, a Supplemental Law Enforcement Oversight Committee (SLEOC) established in each county, and would also require each SLEOC to at least annually review expenditures by local law enforcement officials of SLESF moneys. This bill would also require the Controller to independently investigate any improper use of SLESF money reported to the Controller by a county SLEOC, and would, as provided, suspend any SLESF allocations to any recipient entity that is found by the Controller to have improperly used SLESF moneys, pending that entity's reimbursement of improperly used funds, with interest at the legal rate. This bill would also require recipient entities, for purposes of these reviews and investigations, to annually audit their expenditures of SLESF moneys, and would require the Controller to develop uniform statewide review standards in consultation with local officials. By imposing additional duties upon local officials in connection with the administration of a city or county SLESF, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: yes no. Fiscal committee: yes. State-mandated local program: yes.

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The people of the State of California do enact as follows:

SECTION 1. (a) The Legislature hereby finds and declares that there is a compelling need for additional resources to be applied at the local level for the purpose of ensuring public safety, and to that end the Legislature hereby enacts the Citizen's Option for Public Safety Program (COPS).

(b) In light of the Legislature having appropriated one hundred million dollars (\$100,000,000) in the Budget Act of 1996 for the support of the COPS program in the 1996-97 fiscal year, the Controller shall allocate those budgeted moneys among each Supplemental Law Enforcement Services Fund (SLESF), established by each county and city and county pursuant to subdivision (a) of Section 30061 of the Government Code, in accordance with the proportionate share of the state's total population that resides in each county and city and county, as determined on the basis of the most recent January population estimates developed by the Department of Finance. The Controller shall make all disbursements upon the request of an individual county or city and county that has established a SLESF, and has established an oversight committee pursuant to Section 30064 of the Government Code for the 1996-97 fiscal year no later than September 15, 1996.

SEC. 2. Chapter 6.7 (commencing with Section 30061) is added to Division 3 of Title 3 of the Government Code, to read:

CHAPTER 6.7. SUPPLEMENTAL LOCAL LAW ENFORCEMENT FUNDING

30061. (a) There shall be established in each county treasury a Supplemental Law Enforcement Services Fund (SLESF), to receive all amounts allocated to a county pursuant to Article 14 (commencing with Section 18999) of Chapter 3 of Part 10.9 of Division 9 of the Revenue and Taxation Code:

II-3

(b) Commencing with 1997 and in each calendar year thereafter, the for purposes of implementing this chapter.

(b) In any fiscal year for which a county receives money to be expended for the implementation of this chapter, the county auditor shall allocate moneys in the county's Supplemental Law Enforcement Services Fund (SLESF), including any interest or other return earned on the investment of those moneys, within 30 days of the deposit of those moneys into the fund, and shall allocate those moneys in accordance with the following requirements:

(1) Twelve and one-half percent to the county sheriff for county jail construction and operation.

(2) Twelve and one-half percent to the district attorney for criminal prosecution.

(3) Seventy-five percent to the county and the cities within the county, and, in the case of the County of San Mateo, also to the Special District of Broadmoor, in accordance with the relative population of the cities within the county and the unincorporated area of the county, and the Special District of Broadmoor in the County of San Mateo, as specified in the most recent January estimate by the population research unit of the Department of Finance. No person residing within the Special District of Broadmoor shall also be counted as residing within the unincorporated area of the County of San Mateo or within any city located within that county.

Moneys allocated to the county pursuant to this subdivision shall be retained in the county SLESF, and moneys allocated to a city pursuant to this subdivision shall be deposited in a SLESF established in the city treasury.

(c) Subject to subdivision (d), for each fiscal year in which the county and each city, and the Special District of Broadmoor, receives moneys pursuant to paragraph (3) of subdivision (b), the county and each city shall appropriate the moneys it receives pursuant to paragraph (3) of subdivision (b) those moneys in accordance with the following procedures:

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(1) In the case of the county, the county board of supervisors shall appropriate existing and anticipated moneys exclusively to provide front line law enforcement services, other than those services specified in paragraphs (1) and (2) of subdivision (b), in the unincorporated areas of the county, in response to written requests submitted to the board by the county sheriff and the district attorney. Any request submitted pursuant to this paragraph shall specify the front line law enforcement needs of the requesting entity, and those personnel, equipment, and programs that are necessary to meet those needs. The board shall, at a public hearing annually held in September in each year that the Legislature appropriates funds for purposes of this chapter, consider and determine each submitted request within 60 days of receipt, pursuant to the decision of a majority of a quorum present. The board shall consider these written requests separate and apart from the process applicable to proposed allocations of the county general fund.

(2) In the case of a city, the city council shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief of police of that city or the chief administrator of the law enforcement agency that provides police services for that city. These written requests shall be acted upon by the city council in the same manner as specified in paragraph (1) for county appropriations.

(3) In the case of the Special District of Broadmoor, within the County of San Mateo, the legislative body of that special district shall appropriate existing and anticipated moneys exclusively to fund front line municipal police services, in accordance with written requests submitted by the chief administrator of the law enforcement agency that provides police services for that special district. These written requests shall be acted upon by the legislative body in the same manner specified in paragraph (1) for county appropriations.

(d) For each fiscal year, in no event shall the governing body of the county or a city in which the

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county, a city, or the Special District of Broadmoor within the County of San Mateo receives any moneys pursuant to this chapter, in no event shall the governing body of any of those recipient agencies subsequently alter any previous, valid appropriation by that body, for that same fiscal year, of moneys allocated to the county or city pursuant to paragraph (3) of subdivision (b).

30062. (a) Except as required by paragraphs (1) and (2) of subdivision (b) of Section 30061, moneys allocated from a SLESF to a recipient entity shall be expended exclusively to provide front line law enforcement services. These moneys shall supplement existing services, and shall not be used to supplant, any existing funding for law enforcement services provided by that entity.

(b) In the Counties of Los Angeles, Orange, and San Diego only, the district attorney may, in consultation with city attorneys in the county, determine a prorated share of the moneys received by the district attorney pursuant to this section to be allocated to city attorneys in the county in each fiscal year to fund the prosecution by those city attorneys of misdemeanor violations of state law.

(c) In no event shall any moneys allocated from a SLESF be expended by a recipient agency to fund either of the following:

(1) Administrative overhead costs in excess of 0.5 percent of a recipient entity's SLESF allocation for that year.

(2) The costs of any capital project or construction project funded from moneys allocated pursuant to paragraph (3) of subdivision (b) of Section 30061 that does not directly support front line law enforcement services.

(d) For purposes of this chapter, "front line law enforcement services" and "front line municipal police services" each include antigang and community crime prevention programs.

30063. (a) The Supplemental Law Enforcement Services Fund (SLESF) in each county or city is to be expended exclusively as required by this chapter. Moneys

in that fund shall not be transferred to, or intermingled with, the moneys in any other fund in the county or city treasury, except that moneys may be transferred from the SLESF to the county's or city's general fund to the extent necessary to facilitate the appropriation and expenditure of those transferred moneys in the manner required by this chapter.

(b) Moneys in a SLESF may only be invested in safe and conservative investments in accordance with those standards of prudent investment applicable to the investment of trust moneys. The treasurer of the county and each city shall provide a monthly SLESF investment report to either the police chief or the county sheriff and district attorney, as applicable.

(c) The county auditor and city treasurer shall monthly detail and summarize allocations from the county's or city's SLESF, as applicable, in a written, public report filed with the Supplemental Law Enforcement Oversight Committee (SLEOC), the county board of supervisors or city council, as applicable, and the county sheriff or police chief, as applicable. On or before September 1, 1998, and annually on or before September 1 thereafter, the county auditor and each city treasurer shall file with those entities or persons specified in the preceding sentence a consolidated written report, of the same nature as the monthly report required pursuant to the preceding sentence, with respect to SLESF allocations for the entirety of the immediately preceding fiscal year.

30064. (a) There is in each county a Supplemental Law Enforcement Oversight Committee (SLEOC), consisting of five members as follows:

- (1) One municipal police chief.
- (2) The county sheriff.
- (3) The district attorney.
- (4) The county's executive officer.
- (5) One city manager.

(b) (1) The cities in each county shall organize as a city selection committee for the purposes of appointing a city manager and a municipal police chief to the

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Supplemental Law Enforcement Oversight Committee. Each appointment shall be made by not less than a majority of all the cities in the county having not less than a majority of the population of all the cities in the county. For purposes of the preceding sentence, population figures shall be determined on the basis of the most recent census data developed by the Department of Finance.

(2) The SLEOC shall determine whether recipient entities have expended moneys received from the Supplemental Law Enforcement Services Fund (SLESF) in compliance with this chapter. For this purpose, the SLEOC shall at least annually review the expenditure of SLESF funds by city police departments, the county sheriff, and the district attorney, and shall make its annual review report available to the public.

(e) In any case in which the SLEOC determines that a recipient entity has not expended SLESF moneys in compliance with this chapter, the SLEOC shall report its determination to the Controller, who shall immediately commence his or her own investigation of the expenditures determined by the SLEOC not to be in compliance. The Controller shall transmit his or her determination to the reporting SLEOC within 60 days of receiving the SLEOC report. If the Controller determines that a recipient entity has improperly expended SLESF moneys, no further SLESF moneys shall be allocated to that recipient entity until that entity repays to the allocating SLESF, from its general fund, an amount equal to the improperly expended amount, plus interest at the legal rate. During any period in which the allocation of SLESF money to an entity is suspended pursuant to the preceding sentence, the SLESF revenues that otherwise would have been allocated to that entity during that period shall instead be allocated to other recipient entities, if any, in the county or city in proportion to the SLESF amounts otherwise allocated to those entities.

(d) For purposes of the SLEOC review required by subdivision (b), both of the following requirements shall apply:

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(1) The Controller shall, in consultation with the State District Attorney's Association, State Police Chiefs Association, State Sheriff's Association, California Peace Officer's Association, and the State County Auditor's Association, develop a uniform statewide review procedure.

(2) Commencing in 1998, each entity receiving SLEEF moneys shall annually, on or before July 30, provide the county's SLEOG and the Controller with its own audit report with respect to the types and amounts of its expenditures of SLEEF moneys during the immediately preceding fiscal year.

30065. In no event shall this chapter be construed to affect in any manner the public safety service allocations required by Chapter 6.5 (commencing with Section 30051).

SEC. 2. Article 14 (commencing with Section 18890) is added to Chapter 3 of Part 10.3 of Division 2 of the Revenue and Taxation Code, to read:

Article 14. Designations to the Local Law Enforcement Fund

18890: (a) For any taxable year beginning on or after January 1, 1996, any individual may designate on the tax return that a contribution in an amount equal to 1 percent of tax liability be made to the Local Law Enforcement Fund, which is established by Section 18891. That designation is to be used as a voluntary checkoff on the tax return.

(b) A designation shall be made for any taxable year on the initial return for that taxable year, and once made shall be irrevocable.

(c) The Franchise Tax Board shall revise the forms of the return to include a space labeled the "Local Law Enforcement Fund" to allow for the designation permitted. The forms shall also include in the instructions information that the designation may be in an amount equal to 1 percent of the taxpayer's tax liability, that making a designation shall not increase the taxpayer's tax

liability, and that the designation shall be used only for purposes of the allocations specified in Section 18892. 18891. There is in the State Treasury the Local Law Enforcement Fund to receive funds designated pursuant to Section 18890. The Franchise Tax Board shall notify the Controller of the amounts of tax liability which taxpayers have designated pursuant to Section 18890 to be transferred to the Local Law Enforcement Fund. The Controller shall transfer from the Personal Income Tax Fund to the Local Law Enforcement Fund an amount not in excess of the sum of the amounts designated by individuals pursuant to Section 18890 for payment into that fund.

18892. Notwithstanding Section 13249 of the Government Code, all moneys transferred to the Local Law Enforcement Fund are hereby appropriated without regard to fiscal year, to the Controller for allocation, as follows:

(a) To the Franchise Tax Board and the Controller for the reimbursement of all costs incurred by the Franchise Tax Board and the Controller in connection with their duties under this article.

(b) The balance to the counties in accordance with the proportion of the total designated amount that is attributable to taxpayers in each county. The moneys allocated pursuant to this paragraph shall be used only for purposes of local law enforcement in accordance with Chapter 6.7 (commencing with Section 30061) of Division 3 of Title 3 of the Government Code.

SEC. 3. Notwithstanding Section 17610 of the Government Code, if the Commission on State Mandates determines that this act contains costs mandated by the state, reimbursement to local agencies and school districts for those costs shall be made pursuant to Part 7 (commencing with Section 17500) of Division 4 of Title 2 of the Government Code. If the statewide cost of the claim for reimbursement does not exceed one million dollars (\$1,000,000), reimbursement shall be made from the State Mandates Claims Fund.

1 Notwithstanding Section 17580 of the Government
2 Code, unless otherwise specified, the provisions of this act
3 shall become operative on the same date that the act
4 takes effect pursuant to the California Constitution.

5 SEC. 4. *This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or
7 safety within the meaning of Article IV of the
8 Constitution and shall go into immediate effect. The facts
9 constituting the necessity are:*

10 *In order to provide timely and critically needed fiscal
11 resources and legal authority to local agencies that will
12 assist those agencies in keeping the peace and
13 maintaining public safety, and to safeguard the life and
14 property of each and every California citizen, it is
15 necessary that this act take effect immediately.*

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opinion to the effect that the interest on the bonds is calculated from gross income for federal tax purposes, subject to designated conditions, the Treasurer may maintain separate accounts for the investment of bond proceeds and the investment earnings on those proceeds. The Treasurer may use or direct the use of those proceeds or earnings to pay any rebate, penalty, or other payment required under federal law or to take any other action with respect to the investment and use of bond proceeds required or desirable under federal law to maintain the tax-exempt status of those bonds and to obtain any other advantage under federal law on behalf of the funds of this state.

78702. The Legislature hereby finds and declares that, inasmuch as the proceeds from the sale of bonds authorized by this division are not "proceeds of taxes" as that term is used in Article XIII B of the California Constitution, the disbursement of these proceeds is not subject to the limitations imposed by that article.

SEC. 2. Section 13459.5 is added to the Water Code, to read:
13459.5. Unallocated funds remaining in the Agricultural Drainage Water Account in the 1986 Water Conservation and Water Quality Bond Fund on November 6, 1986, shall be

PROPOSITION 205: Text of Proposed Law

This law proposed by Assembly Bill 3116 (Statutes of 1996)

the people in accordance with the provisions of Article XVI of the California Constitution. This proposed law adds sections to the Penal Code; therefore, no provisions proposed to be added are printed in *italic type* to indicate that they are new.

PROPOSED LAW

SECTION 1. Title 4.95 (commencing with Section 4498) is added to Part 3 of the Penal Code, to read:

TITLE 4.95. YOUTHFUL AND ADULT OFFENDER LOCAL FACILITIES BOND ACT OF 1996

CHAPTER 1. GENERAL PROVISIONS

4498. This title shall be known and may be cited as the Youthful and Adult Offender Local Facilities Bond Act of 1996.

4498.1. The Legislature finds and declares all of the following:

(a) It is the intent of the Legislature to provide funding for the capital construction of local facilities for the treatment, rehabilitation, and punishment of juvenile offenders that do not have sufficient options for providing a continuum of care for juvenile offenders that provides for all of the following:

- (1) Effecting swift, certain, and effective correctional treatment and penalties for all juvenile offenders.
- (2) Treating offenders whose criminality results from substance abuse or mental disorders.
- (3) Treating offenders who are in need of community supervision.
- (4) Ensuring appropriate supervision in the home and nonsecure settings.
- (5) Promoting integrated service provisions for governmental and community-based organizations.
- (6) Providing alternatives to commitment to the Youth Authority.

(b) Public safety is a primary function and consideration of government. As evidenced by the overwhelming support for Proposition 184, the "Three Strikes Initiative," on the November 8, 1994, general election ballot, the people of the State of California are demanding that violent, serious, and repeat felons be incarcerated with longer sentences. The passage of Proposition 184 is expected to adversely impact the capacity of local correctional facilities, creating a serious safety risk.

(c) Numerous county adult and juvenile facilities throughout California are dilapidated and overcrowded, and expansion of available bed capacity is critical. Capital improvements are necessary to protect the life and safety of persons confined or employed in these facilities, and to upgrade health and sanitary conditions to avoid threatened closures or the imposition of court-ordered sanctions.

4498.2. As used in this title, the following terms have the following meanings:

- (a) "Committee" means the 1996 Youthful and Adult Offender Local Facilities Bond Finance Committee created pursuant to Section 4499.
- (b) "Fund" means the 1996 Youthful Offender Local Facilities Bond Fund or the 1996 Adult Offender Local Facilities Bond Fund, created pursuant to Section 4498.3.

CHAPTER 2. PENALTY

4498.3. Of the proceeds of bonds issued and sold pursuant to this title, three hundred fifty million dollars (\$350,000,000) shall be deposited in the 1996 Youthful Offender Local Facilities Bond Fund, which is hereby created, and three hundred fifty million dollars (\$350,000,000) shall be deposited in the 1996 Adult Offender Local Facilities Bond Fund, which is hereby created.

applicable provisions of law, and property of the state, including principal and interest on any state bond made pursuant to this section.

(d) Loan contracts may not provide for a moratorium on payments of principal or interest. (e) Any loans made from the fund may be for a period of up to 20 years. The interest rate for the loans shall be set at a rate equal to 50 percent of the interest rate paid by the state on the most recent sale of state general obligation bonds, with that rate to be computed according to the true interest cost method. When the interest rate so determined, is not a multiple of one-tenth of 1 percent, the interest rate shall be set at the next higher multiple of one-tenth of 1 percent.

(f) All money repaid to the state pursuant to any contract executed under this chapter shall be deposited in the General Fund as reimbursement for the payment of principal and interest on bonds authorized to be issued under this chapter. Water Recycling Subaccount, created by Section 78621, of the Clean Water and Water Recycling Account in the Safe, Clean, Reliable Water Supply Fund, for the purposes set forth in subdivision (b) of Section 78621.

4498.4. (a) Moneys in the 1996 Youthful Offender Local Facilities Bond Fund shall be used for the construction, renovation to increase or maintain capacity, remodeling, and replacement of local facilities for the treatment, rehabilitation, and punishment of juvenile offenders, and may be used for capital improvements, rehabilitation, or renovation performed by the Board of Corrections for administration of this title.

(b) In order to be eligible to receive money for the purposes specified in this section, a county shall apply in the manner and form prescribed by the Board of Corrections.

(c) Allocation of funds shall be subject to future appropriation by the Legislature, and shall be made based on the following criteria:

- (1) County matching funds of at least 25 percent are provided as determined by the Legislature, except that this requirement may be modified or waived by the Legislature by statute where it determines that it is necessary to facilitate the expeditious and equitable construction of local correctional facilities. The greater the percentage of matching funds that a county provides, the higher priority the county shall be given for allocation of moneys.

(2) The county, or a group of counties acting together, has developed a plan that identifies the county continuum of care model for prevention, intervention, supervision, treatment, and detention of juvenile offenders. The plan shall identify how the county will maximize all funding sources (local criminal justice, local social services, federal and state programs, and education) for providing appropriate services for juvenile offenders. The plan shall demonstrate that the county has utilized, to the greatest extent practicable, alternatives to detention. The plan also shall identify the capital needs for fully providing the services outlined in the county model.

(3) Counties that have begun to plan, construct, or renovate facilities after January 1, 1995, but prior to the enactment of this title, remain eligible to receive state matching funds. (e) Counties that contract with private providers for treatment or other services for offenders are eligible to apply for moneys from the fund.

4498.5. (a) Moneys in the 1996 Adult Offender Local Facilities Bond Fund shall be used for the construction, renovation to increase or maintain capacity, remodeling, and replacement of local facilities for the treatment, rehabilitation, and punishment of adult offenders. Up to 15 percent of moneys in the fund may be used by the Board of Corrections for administration of this title.

(b) In order to be eligible to receive money for the purposes specified in this section, a county shall apply in the manner and form prescribed by the Board of Corrections.

(c) Allocation of funds shall be subject to future appropriation by the Legislature, and shall be made based on the following criteria:

- (1) County matching funds of at least 25 percent are provided as determined by the Legislature, except that this requirement may be modified or waived by the Legislature by statute where it determines that it is necessary to facilitate the expeditious and equitable construction of local correctional facilities. The greater the percentage of matching funds that a county provides, the higher priority the county shall be given for allocation of moneys.

(2) The county, or a group of counties acting together, has developed a plan that identifies the county continuum of care model for prevention, intervention, supervision, treatment, and incarceration of adult offenders. The plan shall identify how the county will maximize all funding sources (local criminal justice, local social services, federal and state programs, and education) for providing appropriate services for adult offenders. The plan shall demonstrate that the county has utilized, to the greatest extent practicable, alternatives to jail incarceration. The plan also shall identify the capital needs for fully providing the services outlined in the county model.

(d) Counties that have begun to plan, construct, or renovate facilities after January 1,

4498.8. Bonds in the total amount exclusive of refunding bonds, or so much provide funds to be used for carrying out reimburse the General Obligation Bond of the Government Code. The bonds shall, hereby pledged for the punctual payment the principal and interest become due on 4498.9. The bonds authorized by this and redeemed as provided in the 5 (commencing with Section 16720) of the and all of the provisions of that law incorporated in this title as though set forth. 4499. (a) Solely for the purpose of State General Obligation Bond Law, of and Adult Offender Local Facilities Bond, of this title, the 1996 Youthful and Adult "the committee" as that term is used committee consists of the Controller, the the Board of Corrections, or their design chairperson of the committee. A majority (b) For purposes of the State General Offender Local Facilities Financing Authority. 4499.1. The committee shall determine bonds authorized pursuant to this Sections 4498.4 and 4498.5 and, if so, it

This law proposed by Senate Bill 85: This in accordance with the provisions. People in proposed law adds sections to provisions proposed to be added are printed in *italic type* to indicate that they are new.

PR(1)
SEC. 2 Article 5v (commencing Division 4 of the Military and Veterans

Article 5v, 1.
998.200. This article may be cited as 998.201. (a) The State General Of Section 16720) of Part 3 of Division otherwise provided herein, is adopted for and otherwise providing with respect to, the provisions of that law are included in All references in this article to "herein" (b) For purposes of the State General Affairs is designated the board.

998.202. As used herein, the following: (a) "Board" means the Department " (b) "Bond" means veterans' bond, a article adopting the provisions of the S. (c) "Bond act" means this article on bonds and adopting the State General (d) "Committee" means the Veterans 991.

(e) "Fund" means the Veterans' Par Section 988. 998.203. For the purpose of this veterans in a random way the Veteran (commencing with Section 987.501), an thereto, the committee may create a i California, in the aggregate amount

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EXHIBIT JJ

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**AMERICAN
CORRECTIONAL
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**1996
DIRECTORY**

**Juvenile & Adult
Correctional Departments,
Institutions, Agencies &
Paroling Authorities**

EXHIBIT KK

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Directory User's Guide

This directory provides information on state, federal and territorial adult and juvenile correctional systems, and Canadian federal and provincial systems. The presentation is designed to help the user understand the structure of correctional departments in any jurisdiction.

Statistical summaries of fiscal, personnel and offender information, departments and institutions under court order and more, provide vital nationwide data often sought by professionals and the public. The summaries precede listings of facilities.

The listings of adult and juvenile services include the following:

- Organizational overview — defines the organization of services for adult and juvenile institutions and parole and probation services
- Central office administrative staff, phones and faxes; administrative boards, if any
- Institutions — names, addresses, phones
 - Administrative staff — wardens, deputies, fiscal, education, personnel, training, etc.
 - Year opened
 - Capacity — Design, operating, rated or as reported
 - Average daily population — as of June 30, 1995 or as reported
 - Degree of security — MAX CLOSE MED MIN COMM or other
 - Offender type — Felon, misdemeanor, delinquent, etc.
 - Age limits of offenders
 - Institutions or programs accredited by ACA's Commission on Accreditation for Corrections (marked with ★)
 - Facilities for females only (marked with ♀)
 - Medical or psychiatric facilities (marked with ⚕)
 - Cost of care — cost per inmate per day/year or as reported
 - Number of employees
- Community-based programs
- Parole boards — function and members
- Parole and aftercare services; probation services
- Court services

Fax numbers for adult and juvenile departments are listed on one page for quick reference. The Association's telephone numbers for ACA divisions are also conveniently listed.

Every effort has been made to ensure accuracy and thoroughness; however, the Association cannot assume responsibility for errors or omissions. When updated information was not provided, in some instances data from last year's edition was assumed correct and repeated.

Changes or new information to be recorded in next year's edition of the directory may be forwarded to the Association at any time. Comments or suggestions for improvement are welcome.

The following guide appears throughout the directory:

Guide to Abbreviations

CAP	Capacity as reported	PFV	Private family visiting
ADP	Average daily population	WR	Work release
MAX	Maximum security	FP	Furlough program
CLOSE	Between maximum & medium	ER	Educational/study release
MED	Medium security	FT	Full-time board
MIN	Minimum security	PT	Part-time board
CMTY	Community	★	Accredited facility/program
♀	Facility for females only	⚕	Medical/psychiatric facility

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ADULT INSTITUTIONS

Male and female adult felons (18 years and older) are committed to the Department of Corrections by Superior Court judges for terms prescribed by law.

Systemwide cost of care: \$21,000 per inmate per year

Avenal State Prison, PO Box 8, Avenal 93204

Michael Madding, Warden (209) 386-0587; Fax 386-0767
 Matt Powers, Chief Deputy Warden Keith Williams, Public Info Ofcr
 Opened 1987. Cap: 3,034 males. ADP 1995: 5,747 males. PFV MED 1,143 employees

California Correctional Center, PO Box 790, Susanville 96130

Cheryl Pliier, Warden (916) 257-2181; Fax 257-6508
 Matt Kramer, Chief Deputy Warden Matt Mullin, Public Info Ofcr
 Opened 1963. Cap: 3,722 (includes 1,677 beds at 16 forestry camps). ADP 1995: 5,856 males. PFV MED 1,100 employees

California Correctional Institution, PO Box 1031, Tehachapi 93581

Don Hill, Warden (805) 822-4402; Fax 822-6296
 Jim Gamboa, Chief Deputy Warden V. Smith, Chief Deputy Warden
 Roger Skaggs, Public Info Ofcr
 Opened 1956. Cap: 2,757. ADP 1995: 5,610 males. Reception center. PFV MAX MED MIN 1,449 employees

California Institution for Men, PO Box 128, Chino 91710

Larry Witek, Warden (909) 597-1921; Fax 597-4983
 Carol Roddy, Chief Deputy Warden George Galaza, Chief Deputy Warden
 Kevin Peters, Public Info Ofcr
 Opened 1941. Cap: 2,778. ADP 1995: 5,571 males. Reception center. PFV MIN 1,536 employees

+ California Institution for Women, PO Box 6000, Corona 91718

Susan Poole, Warden (909) 597-1771; Fax 393-8061
 Franklin Powell, Chief Deputy Warden Marsha Marshall, Public Info Ofcr
 Opened 1936 in Tehachapi; transferred to Frontera 1952. Cap: 1,026. ADP 1995: 1,662 females. Reception center. PFV MAX MED MIN 588 employees

+ California Medical Facility, PO Box 2000, Vacaville 95696

Mike Pickett, Acting Warden (707) 448-6841; Fax 447-8098
 Julio Valdez, Chief Deputy Warden Bob Horez, Chief Deputy Warden
 Lin Brady, Public Info Ofcr
 Opened 1950 at Terminal Island; moved to Vacaville 1955. Cap: 2,335. ADP 1995: 3,302 males. Provides programs for adjacent California State Prison, Solano. PFV MED MIN 1,244 employees

California Men's Colony, PO Box 8101, San Luis Obispo 93409-0003

William Duncan, Warden (805) 547-7900; Fax 547-7504
 Linda Clarke, Chief Deputy Warden Augie Intante, Chief Deputy Warden
 Terri Knight, Public Info Ofcr
 Opened 1954. Cap: 3,859. ADP 1995: 6,414 males. Forestry camp. PFV MED MIN 1,530 employees

California Rehabilitation Center, PO Box 1841, Norco 91760

Jean Anderson, Warden (909) 737-2683; Fax 736-1488
 Ray Middleton, Chief Deputy Warden Annette Hissani, Public Info Ofcr
 Opened 1963. Cap: 2,310. ADP 1995: 4,064 males, 782 fem. Incl 1 forestry camp. PFV MED 1,139 employees

California State Prison, Calipatria, PO Box 5001, Calipatria 92233-5001

(Formerly listed as Calipatria State Prison)
 K.W. Prunty, Warden (619) 348-7000; Fax 348-7188
 Bobbie Reed, Chief Deputy Warden Floyd Deschler, Public Info Ofcr
 Opened 1992. Cap: 2,208. ADP 1995: 3,425 males. PFV MAX MIN 1,012 employees

California State Prison, Corcoran, PO Box 8800, Corcoran 93212-8309

George Smith, Warden (209) 992-8800; Fax 992-4636
 Denise Mayle, Chief Deputy Warden Bob Priolo, Public Info Ofcr
 Opened 1988. Cap: 2,916. ADP 1995: 5,462 males. Security housing unit. PFV MED MIN 1,561 employees

California State Prison
 (Formerly listed as Ant
 Ernie Row, Warden
 J.D. Rodriguez
 Opened 1993

California State Prison
 Theo White, Warden
 Sue Hubbard, Chief Deputy
 Opened 1992. Design

California State Prison
 Art Calderon, Warden
 Susan Yearwood, Chief Deputy
 Opened 1952. Cap: 3,286

California State Prison
 Peg Kernan, Warden
 Anthony Newland, Chief Deputy
 Opened 1992. Op cap
 Separated from Calif

Centinela State Prison
 Rosie Garcia, Acting Warden
 Larry Small, Chief Deputy
 Opened 1993. Design

+ Central California Prison
 Teena Farmon, Warden
 Derran Adams, Chief Deputy
 Opened 1990. Cap: 200

Chuckawalla Valley Prison
 Julian Marquez, Warden
 Richard Early, Chief Deputy
 Opened 1988. Cap: 200

Correctional Training Center
 Linda Clarke, Warden
 Annie Alexander, Chief Deputy
 Sam Hill, Public Info Ofcr
 Opened 1946

Deuel Vocational Institution
 Ana Olivarez, Warden
 Ed Almeida, Chief Deputy
 Opened 1953. Cap: 1,000

Folsom State Prison
 (Formerly listed as C
 Teresa Rocha, Acting Warden
 Bill Raines, Chief Deputy
 Opened 1880. Cap: 1,000

Mule Creek State Prison
 Ivalee Henry, Warden
 Glenn Mueller, Chief Deputy
 Opened 1987. Cap: 1,000

North Kern State Prison
 (Formerly listed as
 Lewis Jones, Warden
 Cheryl Pliier, Chief Deputy
 Opened 1993. Cap: 1,000

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California State Prison, Los Angeles County, 44750 W 60th St, Lancaster 93536-7620

(Formerly listed as Antelope Valley State Prison)

Ernie Row, Warden (805) 729-2000; Fax 729-2060
 JD. Rodriguez, Chief Deputy Warden Ken Hicks, Public Info Ofcr
 Opened 1993. Design Cap: 2,200. ADP 1995: 3,584 males. PFV MAX MED MIN 895 employees

California State Prison, Sacramento, PO Box 29, Represa 95671

Ther White, Warden (916) 985-8610; Fax 985-0418
 Sue Hubbard, Chief Deputy Warden Marilyn Bales, Public Info Ofcr
 Opened 1992. Design Cap: 1,728. ADP 1995: 3,166 males. PFV MAX MIN 1,070 employees

California State Prison, San Quentin, San Quentin 94964

Art Calderon, Warden (415) 454-1460; Fax 454-6288
 Susan Yearwood, Chief Deputy Warden Don Lindsey, Public Info Ofcr
 Opened 1852. Cap: 3,286. ADP 1995: 5,436 males. Incl reexp ctr & boot camp. PFV MAX MED MIN 1,470 employees

California State Prison, Solano, PO Box 4000, Vacaville 95696-4000

Peg Kernan, Warden (707) 448-6841; Fax 449-6553
 Anthony Newland, Chief Deputy Warden Michael Forshay, Public Info Ofcr
 Opened 1992. Op cap: 2,404. ADP 1995: 4,856 males. PFV MED MIN
 Separated from California Medical Facility Jan 1992. 1,024 employees

Centinela State Prison, 2302 Brown Rd, Seeley 92273

Rosie Garcia, Acting Warden (619) 337-7900; Fax 337-7950
 Larry Small, Chief Deputy Warden Melody Ledbetter, Public Info Ofcr
 Opened 1993. Design Cap: 2,200. ADP 1995: 2,200 males. PFV MAX MED MIN 28 employees

+ Central California Women's Facility, PO Box 1501, Chowchilla 93610-1501

Teena Farmon, Warden (209) 665-5531; Fax 665-7158
 Derran Adams, Chief Deputy Warden Toby Wong, Public Info Ofcr
 Opened 1990. Cap: 2,000. ADP 1995: 3,400 fem. Incl reception & security housing unit. All sex levels 860 employees

Chuckawalla Valley State Prison, PO Box 2289, Blythe 92255

Julian Marquez, Warden (619) 922-5300; Fax 922-6855
 Richard Early, Chief Deputy Warden Steve Morgan, Public Info Ofcr
 Opened 1988. Cap: 2,000. ADP 1995: 3,251 males. PFV MED MIN 697 employees

Correctional Training Facility, PO Box 686, Soledad 93960

Linda Clarke, Warden (408) 678-3951; Fax 678-2263
 Annie Alexander, Chief Deputy Warden Don Hill, Chief Deputy Warden
 Starti Hill, Public Info Ofcr
 Opened 1946. Cap: 2,885. ADP 1995: 6,190 males. PFV MED MIN 1,422 employees

Deuel Vocational Institution, PO Box 400, Tracy 95376

Ana Olivarez, Warden (209) 466-8055; Fax 836-4144
 Ed Alameda, Chief Deputy Warden Richard Giottonini, Public Info Ofcr
 Opened 1953. Cap: 1,631. ADP 1995: 3,513 males. Includes reception center. PFV MED MIN 1,020 employees

Folsom State Prison, PO Box W, Represa 95671

(Formerly listed as California State Prison, Folsom)
 Teresa Rocha, Acting Warden (916) 985-2561; Fax 985-6403
 Bill Raines, Chief Deputy Warden Dave Heinz, Public Info Ofcr
 Opened 1880. Cap: 2,064. ADP 1995: 3,761 males. PFV MAX MIN 912 employees

Mule Creek State Prison, PO Box 409099, June 95640

Ivatee Henry, Warden (209) 274-4911; Fax 274-4861
 Glenn Mueller, Chief Deputy Warden Alen Koznek, Public Info Ofcr
 Opened 1987. Cap: 1,700. ADP 1995: 3,643 males. PFV MED MIN 912 employees

North Kern State Prison, PO Box 567, Delano 93216-0567

(Formerly listed as California State Prison, Delano)
 Lewis Jones, Warden (805) 721-2345; Fax 721-2913
 Cheryl Philier, Chief Deputy Warden Harry McDaniel, Public Info Ofcr
 Opened 1993. Cap: 2,492. ADP 1995: 2,544 males. PFV MED MIN 774 employees

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† Northern California Women's Facility, PO Box 213006, Stockton 95213-9006

Mamie Lockette, Acting Warden (209) 943-1600; Fax 463-5382
 Millard Smith, Chief Deputy Warden Annice Porter, Public Info Offr
 Opened 1987. Cap: 400. ADP 1995: 730 females. PFV MAX MED MIN 256 employees

Pelican Bay State Prison, PO Box 7000, Crescent City 95531-7000

Charles D. Marshall, Warden (707) 465-1000; Fax 465-4376
 Terry Peetz, Chief Deputy Warden Al Deines, Public Info Offr
 Opened 1989. Design cap: 2,380. ADP 1995: 3,749 males. Incl security housing unit. PFV MAX MIN 1,187 employees

Richard J. Donovan Correctional Facility at Rock Mountain, 480 Alta Rd, San Diego 92179

John Ratelle, Warden (619) 661-6500; Fax 661-6253
 Tom Hornung, Chief Deputy Warden Marion Daniels, Public Info Offr
 Opened 1987. Cap: 2,200. ADP 1995: 4,334 males. Includes reception center. PFV MED MIN 1,140 employees

Sierra Conservation Center, PO Box 497, Jamestown 95327

George Ingle, Acting Warden (209) 984-5291; Fax 984-3607
 Carol Pinkins, Chief Deputy Warden Ben Garcia, Public Info Offr
 Opened 1965. Cap: 3,984. ADP 1995: 6,097 males. Incl 1,839 beds at 20 forestry camps. PFV MED MIN 1,011 employees

Wasco State Prison-Reception Center, PO Box 8800, Wasco 93280-8800

Michael Carrillo, Warden (805) 758-8400; Fax 758-8718
 Gary Lindsey, Chief Deputy Warden Marty Macato, Public Info Offr
 Opened 1992. Cap: 2,484. ADP 1995: 4,676 males. Primarily reception center. PFV MED MIN 1,036 employees

PRISON INDUSTRY BOARD

1515 S St, Rm 119S, Sacramento 95815

James H. Gomez, Chairman (916) 445-7218
 Earlie Mays, Vice Chairman Joella Fazio, Executive Officer
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PAROLE AND COMMUNITY SERVICES DIVISION

1515 S St, Rm 212N, Sacramento 95814

Marisela Montes, Deputy Director (916) 323-0576
 Robert Roenicke, Assistant Deputy Director (916) 323-0474
 Lori Hara, Administrator/Community Corrections Facilities (916) 327-5273

ADULT PAROLE SERVICES

REGION I

9825 Goethe Rd, Sacramento 95827

Hank Peralta, Regional Administrator (916) 255-2758
 Sharon Jackson, Interstate (916) 255-2781
 Yvette Wilson, Records (916) 255-2785
 Sharon Rocco, Reentry North (916) 255-2778
 Jerry Hardee, Reentry South (209) 445-6431
 Darryl Felix, Revocation (916) 255-2769

Auburn Unit, 10091 Streeter Rd, Ste 4, Auburn 95603

Marciano Guzman, Unit Supervisor (916) 268-3791

Bakersfield Unit 1, 1128 Truxton Ave, Bakersfield 93301

Jeff Heberle, Unit Supervisor (805) 395-2948

Bakersfield Units 2 & 3, 1128 Truxton Ave, Bakersfield 93301

Tony Ramirez, Unit 2 Supervisor (805) 395-2948
 Brian Jeter, Unit 3 Supervisor (805) 395-2948

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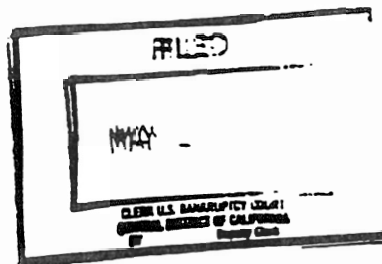
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1 BRUCE BENNETT (State Bar No. 105430)
2 JOHN L. AMSDEN (State Bar No. 137168)
3 HENNIGAN, MERCER & BENNETT
4 601 South Figueroa Street, Suite 3300
5 Los Angeles, California 90017
6 Telephone: (213) 694-1200
7 Reorganization and Litigation Counsel for Debtor

8 LAURENCE M. WATSON (State Bar No. 36222)
9 Chief Assistant County Counsel
10 10 Civic Center Plaza
11 P.O. Box 1379
12 Santa Ana, California 92702
13 Telephone: (714) 834-3300



14 UNITED STATES BANKRUPTCY COURT
15 CENTRAL DISTRICT OF CALIFORNIA

16 In re

17 COUNTY OF ORANGE, a political
18 subdivision of the State of California,
19 Debtor.

) Case No. SA 94-22272-JR

) Chapter 9

) SUBMISSION OF TRANSACTION
) DOCUMENTS RELATING TO
) CERTIFICATES OF
) PARTICIPATION

) Hearing Date

) Date: May 24, 1996

) Time: 9:30 a.m.

) Place: Courtroom 606
) 34 Civic Center Plaza
) Santa Ana, CA 92701

20
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27 TO: OFFICIAL PHOTOCOPY CENTER
CPT GROUP, INC. (714) 834-0209

COUNTY OF ORANGE SA 94-22272 JR
DOCUMENT NUMBER: 3 0 5 7

EXHIBIT LL

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MASTER LEASE
(VARIOUS CAPITAL FACILITIES)

Dated as of June 1, 1996

by and between

ORANGE COUNTY
PUBLIC FACILITIES CORPORATION,
as Lessor,

and the

COUNTY OF ORANGE, CALIFORNIA
as Lessee,

Relating to

COUNTY OF ORANGE, CALIFORNIA
CERTIFICATES OF PARTICIPATION

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ARTICLE II.
LEASE OF LEASED FACILITIES; TERM

Section 2.1. Lease of Leased Facilities.

(a) The Corporation hereby leases to the County and the County hereby leases from the Corporation the Leased Facilities, subject only to the Permitted Encumbrances.

(b) The County hereby represents that the Leased Facilities are essential to the County and agrees and covenants that during the Term it will use the Leased Facilities for public and County purposes so as to afford the public the benefits contemplated by this Lease.

Section 2.2. Term. The term of this Lease shall commence on the date of recordation of this Lease (or memorandum thereof) in the office of the County Recorder of the County of Orange, State of California, and shall expire on the earlier to occur of (i) the day immediately preceding the date upon which the term of the Site Lease expires or is terminated or (ii) _____, unless such term is extended or sooner terminates as hereinafter provided (the "Term"). If on _____, the Certificates shall not be fully paid, then the term of this Lease shall be extended until ten (10) days after all Certificates shall be fully paid, except that the term of this Lease shall in no event be extended beyond [10] additional years. If prior to _____, all Certificates shall be fully paid, or provision therefor made, this Lease shall terminate ten (10) days after such payment or provision for payment or ten (10) days after written notice is provided by the County to the Corporation, whichever is earlier.

Section 2.3. Substitutions; Withdrawal; Additions of Leased Facilities.

(a) The County shall have the right from time to time to substitute other improved or unimproved real property ("New Property") for all or a portion of the Leased Facilities described in Exhibit A (provided that for each item of improved or unimproved real property that is substituted for (a "Replaced Site") and that is not a Restricted Property, the County shall substitute a New Property that is not a Restricted Property), and to withdraw property from the Leased Facilities if it has provided the Trustee and the Certificate Insurer with a written lease supplement in the form contained in Exhibit C hereto (a "Lease Supplement") and an amendment to each of Exhibits A and D hereto and has obtained and provided to the Trustee each of the following:

(i) Written consent by the Certificate Insurer, and if the conditions set forth in (a)(ii), (a)(iii) and (a)(iv) of this Section 2.3 are met, such consent shall not be unreasonably withheld or delayed;

(ii) A certificate of a MAI real estate appraiser selected by the County ~ setting forth his findings that (A) after taking into account the substitutions or withdrawals, as the case may be, the ~ Fair Rental Value of the New Property equals or exceeds the Fair Rental Value of the Replaced Sites; and (B) the useful life of the New Property will be at least equal to the remaining Term ~;

(iii) Certificates of insurance applicable to the Leased Facilities (at and after the substitution) which comply with the requirements of Sections 5.1, 5.3 and 5.5 hereof; and

(iv) An Opinion of Special Counsel addressed to the Trustee and the Certificate Insurer to the effect that such substitution or withdrawal is permitted under this Lease and will not have an adverse effect on the interest component of the Base Rental Payments for federal income tax purposes.

Upon receipt of the items described above, the Trustee also shall execute the ~ Lease Supplement and shall not impose on the County any further conditions or prerequisites to the requested substitution or withdrawal. Automatically, on the date upon which the Trustee executes the ~ Lease Supplement, the New Property, if any, shall constitute "Leased Facilities" for all purposes hereunder and this Lease shall terminate with respect to the ~ Replaced Sites and shall terminate with respect to the withdrawn ~ Leased Facilities, if any, and on such date with respect to the Replaced Sites and withdrawn ~ Leased Facilities the County shall surrender such Replaced Sites and withdrawn ~ Leased Facilities to the Corporation as if such date was the end of the Term. Without limiting the generality of the foregoing, the Corporation and the County shall promptly execute and record with the County Recorder of the County of Orange all documents deemed necessary by the County to evidence such substitution and/or withdrawal.

(b) The County shall be required to add property as part of the Leased Facilities for purposes of this Lease in connection with the execution and delivery of an additional Series of Certificates. The County shall provide to the Trustee ~ and the Certificate Insurer a Lease Supplement and shall amend Exhibits A, B and D hereto accordingly. Upon receipt of the items described above, the Trustee also shall execute the ~ Lease Supplement and shall not impose on the County any further conditions or prerequisites to the requested additions. Automatically, on the date upon which the Trustee executes the ~ Lease Supplement, the added improved or unimproved real property shall constitute "Leased Facilities" for all purposes hereunder. Without limiting the generality of the foregoing, the Corporation and the County shall promptly execute and record with the County Recorder of the County of Orange all documents deemed necessary by the County to evidence such addition. In addition, the Site

Lease shall be amended to include the additional improved or unimproved real property as part of the Leased Facilities.

(c) All costs and expenses incurred in connection with such substitutions, withdrawals or additions shall be borne by the County. No substitution or withdrawal pursuant to this Section 2.3 shall be the basis for any reduction in or abatement of the Base Rental Payments due from the County hereunder.

ARTICLE III.
RENTAL PAYMENTS; USE OF PROCEEDS

Section 3.1. Base Rental Payments. (a) The County agrees to pay or cause to be paid to the Corporation, or to its assignee, as Base Rental Payments for the use and occupancy of the Leased Facilities (subject to the provisions of Sections 3.4, 3.6 and 5.7 of this Lease), ~ rental payments with principal and interest components, payable in accordance with the Base Rental Payment Schedule attached hereto as Exhibit B and made a part hereof.

(b) At such time as (i) additions or withdrawals are made to the Leased Facilities pursuant to Section 2.3 hereof, (ii) prepayments of Base Rental Payments are made pursuant to Sections 5.4, 5.7 or 7.1 hereof and pursuant to the Trust Agreement or the Series Trust Agreements or (iii) the County shall exercise its option to purchase a portion of the Leased Facilities, Exhibit B shall be amended to reflect an amended schedule of principal components and interest components of the Base Rental Payments.

(c) Base Rental Payments shall be calculated on an annual basis, for the twelve-month periods commencing on July 1 and ending on June 30. Base Rental Payment installments shall be payable in equal monthly installments on or before the fifteenth (15th) day of each month. The interest components of the Base Rental Payments shall be paid by the County as and constitute interest paid on the principal components of the Base Rental Payments to be paid by the County hereunder, computed on the basis of a 360-day year composed of twelve 30-day months. The aggregate Base Rental Payments (payable in installments as aforesaid) shall be for the use of the Leased Facilities for the twelve-month period commencing on July 1 of the period in which such installments are payable, of for the first such period under this Lease, on June 1, 1996.

(d) If the Term shall have been extended pursuant to Section 2.2 hereof, Base Rental Payment installments shall continue to be due monthly, payable as hereinabove described, to and including the date of expiration or earlier termination of this Lease. Upon such extension of this Lease, the County shall deliver to the Trustee and the Certificate Insurer a certificate setting forth the extended rental payment schedule, which schedule shall establish the principal and interest components of the Base Rental Payments so that the principal components will in the aggregate be sufficient to pay all unpaid principal components with interest components sufficient to pay all unpaid interest components plus interest on the extended principal components at a rate equal to the rate of interest on the principal component of the Base Rental Payment due on July 1, ~ 2026, which such payment schedule shall be satisfactory to the Certificate Insurer.

** 1 (e) Any amounts collected by the Trustee in accordance with Section 2.09 of the Trust Agreement shall constitute Base Rental Payments for the purposes of this Section 3.1 and shall be valid and effectual to satisfy and discharge the obligation of the County under this Section 3.1 to make such Base Rental Payments to the extent of the amount or amounts so collected by the Trustee.

Section 3.2. [Reserved].

Section 3.3. Fair Rental Value. The payments of Base Rental Payments payable hereunder for each rental period during the Term shall constitute the total base rental for said rental period and shall be paid by the County in each rental payment period for and in consideration of the right of use and occupancy of, and continued quiet use and enjoyment of, the Leased Facilities. The parties hereto have agreed and determined that such Base Rental Payments payable for each twelve-month period beginning July 1, or June 1, 1996 in the case of the first period, shall represent an amount equal to or less than the aggregate Fair Rental Value of the Leased Facilities for each such period. In making such determination, consideration has been and shall be given to other obligations of the parties under this Lease, the uses and purposes which may be served by the Leased Facilities and the benefits therefrom which will accrue to the County and the general public.

Section 3.4. Payment Provisions. Each installment of Base Rental Payments payable hereunder shall be paid in lawful money of the United States of America to or upon the order of the Corporation at the corporate trust office of the Trustee in _____, or such other place as the Corporation shall designate. Any such installment of Base Rental Payments accruing hereunder which shall not be paid when due and payable under the terms of this Lease shall bear interest at the rate of [12] percent (12%) per annum, or such lesser rate of interest as may be permitted by law, from the date when the same is due hereunder until the same shall be paid ("Defaulted Interest"). Payments of Defaulted Interest, if any, with respect to Certificates shall be paid pursuant to the terms of the Trust Agreement or the Series Trust Agreements. Notwithstanding any dispute between the Corporation or the Trustee and the County, or between the County or any other person or entity, the County shall make all Base Rental Payments when due without deduction or offset of any kind and shall not withhold any Base Rental Payments pending the final resolution of such dispute. In the event of a determination that the County was not liable for said Base Rental Payments or any portion thereof, said payments or excess of payments, as the case may be, shall be refunded at the time of such determination.

Base Rental Payments are subject to abatement as provided in Section 3.6.

Nothing contained in this Lease shall prevent the County from making from time to time contributions or advances to the Corporation for any purpose now or hereafter authorized by law, including without limitation, contributions to the Trustee to increase the amount in any Certificate Reserve Account to the Certificate Reserve Account Requirement and to the making of repairs to, or the restoration of, the Leased Facilities in the event of damage to or the destruction of the Leased Facilities.

Section 3.5. Appropriations Covenant. The County covenants to take such action as may be necessary to include all such Base Rental Payments and Additional Payments due hereunder in its annual budgets, to make necessary annual appropriations for all such Base Rental Payments and Additional Payments as shall be required to provide funds in such year for such Base Rental Payments and Additional Payments. The County will deliver to the Trustee and the Certificate Insurer within sixty (60) days of adoption of the County final budget a certificate of the County stating that the final budget as adopted appropriates all moneys necessary for the payment of Base Rental Payments and Additional Payments hereunder.

The obligation of the County to pay Base Rental Payments and Additional Payments hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitation or requirement concerning the creation of indebtedness by the County. Base Rental Payments and Additional Payments due hereunder shall be payable only from current funds which are budgeted and appropriated or on deposit in the Base Rental Payments Fund or Funds or Certificate Reserve Account or Accounts or otherwise legally available for the purpose of paying Base Rental Payments and Additional Payments due hereunder as consideration for use of the Leased Facilities. This Lease shall not create an immediate indebtedness for any aggregate payments which may become due hereunder in the event that the term of the Lease is continued or discontinued. The County has not pledged the full faith and credit of the County, the State of California or any agency or department thereof to the payment of the Base Rental Payments and Additional Payments or any other payments due hereunder.

Section 3.6. Rental Abatement. (a) Except to the extent of amounts held by the Trustee in the Base Rental Payments Fund or in the Certificate Reserve Account or received pursuant to Section 5.3 hereof or otherwise available to the Trustee for payments in respect of the Certificates and used to pay Base Rental Payments, the County's obligation to make Base Rental Payments shall be abated during any period in which by reason of any damage to or destruction or condemnation of any of the Leased Facilities, there is substantial interference with the use and occupancy of any of the Leased Facilities by the County, if and to the extent that the aggregate Fair Rental Value of that portion of the Leased Facilities not damaged, destroyed or

condemned is less than the Base Rental Payments due hereunder for the twelve consecutive month period following such damage, destruction or condemnation. With respect to any such damage, destruction or condemnation with respect to less than all of the Leased Facilities, such abatement shall continue for the period commencing with such damage ¹ destruction or condemnation and ending with the substantial completion of repair ¹ reconstruction or replacement. In the event of any such damage or destruction, this Lease shall continue in full force and effect and the County waives any right to terminate this Lease by virtue of any such damage or destruction.

(b) The County shall promptly notify the Certificate Insurer and each Rating Agency of any event which causes substantial interference with the use and occupancy of any of the Leased Facilities which would result in an abatement of Base Rental Payments pursuant to Section 3.6(a) hereof.

(c) If the County's obligation to make Base Rental Payments is abated pursuant to this Section 3.6, upon expiration of the abatement, the County shall deliver to the Trustee a certificate containing an amended Base Rental Payments Schedule, which amended schedule will provide that Base Rental Payments shall be made in the order and amounts (together with Defaulted Interest) set forth in the Base Rental Payments Schedule as it existed prior to abatement, beginning with the next scheduled Base Rental Payment prior to abatement.

* 1 moved from here; text not shown

Section 3.7. Assignment of Base Rental Payments. ¹ All of the Corporation's rights under this Lease, including the right to receive and enforce payment of the Base Rental Payments to be made by the County hereunder, have been assigned to the Trustee, subject to certain exceptions, pursuant to the Assignment Agreement, to which assignment the County hereby consents and subject to the rights of the Certificate Insurer with respect to such assignment. The Corporation hereby directs the County, and the County hereby agrees, to pay to the Trustee at the location set forth in Section 3.4 hereof or such other place as the Trustee shall direct in writing, all Base Rental Payments or prepayments thereof payable by the County hereunder. The Corporation hereby acknowledges that such payment of Base Rental Payments shall satisfy, in full, the County's obligation to make Base Rental Payments hereunder. The Corporation will not assign or pledge the Base Rental Payments or other amounts derived from its rights under this Lease ¹ or any other interest in this Lease or the Leased Facilities except with the prior written consent of the Certificate Insurer and as provided under the terms of this Lease, or its duties and obligations except as provided under the Assignment Agreement ¹

Section 3.8. Use of Proceeds. On the Delivery Date, the Corporation agrees to pay or cause to be paid to the Trustee the rental due under the Site Lease which rental shall be used by the Trustee to pay Costs of Issuance of the Initial Series of Certificates and to meet the Certificate Reserve Account Requirement for the Initial Series of Certificates, with the remainder of such rental being deposited by the Trustee in the Certificate Proceeds Account of the Initial Series of Certificates for distribution in accordance with the instructions of the County to be provided to the Trustee on the Delivery Date.

ARTICLE IV.
MAINTENANCE OF THE LEASED FACILITIES;
ALTERATIONS AND ADDITIONS

Section 4.1. Maintenance and Utilities. All maintenance and repair, both ordinary and extraordinary, of the Leased Facilities shall be the responsibility of the County, which shall at all times maintain or otherwise arrange for the maintenance of the Leased Facilities in good condition, and the County shall pay for or otherwise arrange for the payment of all services supplied to the Leased Facilities, which may include, without limitation, janitor service, security, electric power, gas, telephone, light, heating, ventilation, air conditioning, water and all other utility services, and shall pay for or otherwise arrange for payment of the cost of the repair and replacement of the Leased Facilities resulting from ordinary wear and tear or want of care on the part of the County or any sublessee thereof or any other cause and shall pay for or otherwise arrange for the payment of all insurance policies required under this Lease to be maintained with respect to the Leased Facilities. The Corporation is not required to provide any services or to perform any obligations hereunder except to the extent otherwise expressly provided herein.

Section 4.2. Changes to the Leased Facilities. The County shall, at its own expense, have the right to remodel or make any additions, alterations, modifications and improvements to one or more of the Leased Facilities or any portion thereof. All such additions, alterations, modifications and improvements shall thereafter comprise part of such Leased Facilities and be subject to the provisions of this Lease. Such additions, alterations, modifications and improvements shall not cause the Leased Facilities to be used for purposes other than those authorized under the applicable provisions of state and federal law; and such Leased Facilities, upon completion of any additions, alterations, modifications and improvements made pursuant to this Section, shall have a value and utility to the County which is at least equal to the value and utility to the County of such Leased Facilities immediately prior to the making of such additions, alterations, modifications and improvements.

Section 4.3. Installation of County's Equipment. The County and any sublessee may at any time and from time to time, in its sole discretion and at its own expense, install or permit to be installed other items of equipment or other personal property in or upon the Leased Facilities. All such items shall remain the sole property of such party, in which neither the Corporation nor the Trustee shall have any interest, and may be modified or removed by such party at any time provided that such party shall repair and restore any and all damage to the Leased Facilities resulting from the installation, modification or removal of any such items. Nothing in this Lease shall prevent the County from purchasing items to be installed pursuant to this Section under a conditional sale or lease purchase contract, or

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subject to a vendor's lien or security agreement as security for (the unpaid portion of the purchase price thereof, provided that no such lien or security interest shall attach to any part of the Leased Facilities.



MCAS EL TORO LOCAL REDEVELOPMENT AUTHORITY
THE FEDERALLY RECOGNIZED LOCAL REDEVELOPMENT AUTHORITY FOR MCAS EL TORO

DATE: August 16, 1996

TO: Brad Gates, Sheriff-Coroner

FROM: Thomas B. Mathews, Co-Director, LRA
O.B. Schooley, Co-Director, LRA

SUBJECT: LRA Staff Recommendations on Sheriff-Coroner Request for a Jail Site at MCAS El Toro

This memo serves to provide additional information regarding LRA staff's recommendation not to accommodate your request for a 250-acre County jail site in the Draft Community Reuse Plan for MCAS El Toro.

The primary objectives of the Community Reuse Plan are to create jobs and to provide the greatest long-term potential economic benefits to the Orange County community. Your request was evaluated by LRA staff, with assistance from the consultant team, in conjunction with the 47-other Notice of Interest applications for buildings and/or property at the base. While each request was evaluated against all of the screening criteria which were included in the Notice of Interest application package (as listed in our letter of August 8, 1996), the relative number of jobs and potential economic benefits created, consistency with the Draft Community Reuse Plan (i.e., the commercial airport use) and accommodating the needs of the homeless factored most heavily.

As reflected in the Draft Community Reuse Plan (see attached Exhibit), the vast majority of the base is dedicated to the airfield, passenger terminal complex, airport parking, cargo, airport support and aviation related uses which are vital to the successful implementation of a commercial airport. No Notice of Interest applications were considered for placement within these areas, since to do so would affect the overall viability of the commercial airport.

The following provides a discussion of the remaining large areas of the base and some of the reasons the proposed jail was not selected for inclusion in these areas:

- o Golf Course - The existing golf course on the base (approximately 250 acres) is proposed to be retained. Within the center of the golf course, there is an Airport Surveillance Radar (ASR) site operated by the Federal Aviation Administration. Land uses within a 1,200 foot radius of this site are severely constrained to prevent line-of-sight obstructions. The remaining portions of the golf course to the north and south of the ASR site would be inadequate to accommodate the jail site. In addition, the LRA has received testimony and comments from the community and veterans groups strongly supporting retention of the existing golf course.

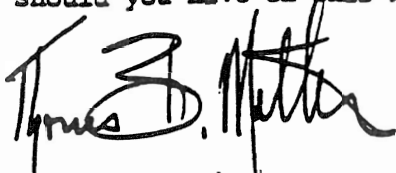
- o Recreation - A separate 90-acre parcel at the east end of runways 7L and 7R is almost completely within the Runway Protection Zone (RPZ) and is designated for recreational uses. The size of the parcel and RPZ land use restrictions would make it infeasible for the jail site.
- o R&D/Light Industrial/Institutional - Approximately 400 acres in the southeast panhandle of the base within the City of Irvine are designated for R&D/Light Industrial/Institutional uses. Since several major roadways will transverse this area, the largest contiguous parcel is approximately 150 acres. The vast majority of this area is constrained since it is under the primary arrival corridor for runways 34L and 34R. In addition, approximately 140 acres near Irvine Blvd. are designated for R&D/Light Industrial/Institutional uses. Based on the job estimates for the jail which you provided in your application, the R&D/Light Industrial uses would generate far more jobs and greater economic benefits than would the proposed jail.
- o Educational/Institutional - Approximately 160 acres north of Irvine Blvd. are designated for educational/institutional uses. Included within this area are approximately 30 acres for the Social Services Agency for a children's emergency shelter and related facilities (similar to Orangewood), and approximately 130 acres for an educational campus. Within the educational campus, requests from numerous homeless service providers for job training and related facilities would be accommodated. The children's emergency shelter and facilities for homeless service providers assist in meeting the LRA's requirement to accommodate the needs of the homeless. In addition, the educational campus will accommodate various other requests, including portions of your request for a regional training center (classroom-type uses) and requests from California State University, Fullerton and Saddleback Community College. Of all the nonaviation uses which have been evaluated for the base, an educational campus has received the most widespread support from the community.
- o Residential - An existing residential area of approximately 97 acres north of the proposed educational campus is designated for transitional and affordable housing for the homeless which will assist in meeting the LRA's obligation to provide for the homeless.
- o Commercial/Office - Approximately 160 acres at the gateway to the proposed project are designated for commercial and office uses. Uses in this area would include hotels, restaurants and retail stores offering goods and services for passengers and airport employees. The commercial uses would generate far more jobs and greater economic benefits than would the proposed jail, including sales tax and transient occupancy taxes to help offset costs to the County General Fund for provision of infrastructure and services to the base.
- o Habitat Reserve - Prior to the receipt of your request, approximately 1,000 acres were recommended for conveyance to the Department of Interior for a habitat reserve to protect threatened and endangered species in conjunction with the County's Natural Communities Conservation Plan (NCCP). This area will serve as a mitigation for development both on and off the base.

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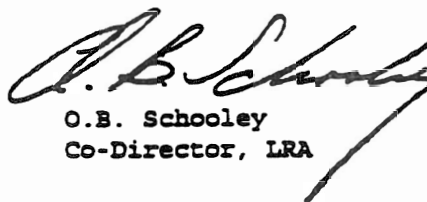
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We hope this serves to clarify LRA staff's recommendations on your request.
Should you have on this matter, please contact Tom Mathews at 834-5145.



Thomas B. Mathews
Co-Director, LRA



O.B. Schooley
Co-Director, LRA

MM 6081414063979

Attachment



County of Orange

MEMO

DATE: August 14, 1996

TO: Distribution

FROM: Chief Deputy Director, EMA

SUBJECT: Musick Branch Jail Expansion and Operation Screencheck EIR No. 564

PROPOSAL: The Orange County Environmental Management Agency (EMA) is the designated Lead Agency for the preparation of an environmental impact report (EIR) for the proposed expansion and operation of the James A. Musick Branch Jail, Relocation of the Interim Care Facility (ICF), and construction of the Southeast Sheriff's Station. The EMA/Environmental & Project Planning Division will be coordinating the review of any environmental documents related to this project. This project has the highest priority and should be treated accordingly.

LOCATION: The project is located in central Orange County north of Irvine and west of Lake Forest. The project involves the construction of three new inmate housing units and related facilities on the Musick site. 7,584 inmates could be housed at this facility. All classifications of inmates (maximum, medium, and minimum security) and both male and female inmates would be housed in the expanded facility. The proposed ICF would replace the existing ICF facility adjacent to the Theo Lacy Branch Jail. The new Sheriff's station would service the surrounding communities.

DATE: Comments due by noon Friday August 16, 1996

PROJECT PLANNER: Paul Lanning 834-3686

PROJECT CHARGE NO: ECS1557

Please review the attached Screencheck EIR (SCEIR) sections and prepare any comments or recommendations which you feel should be incorporated into the Draft EIR.

Your comments must be returned by noon August 16, 1996 in order to be incorporated into the Draft EIR. If your function does not have any comments, please submit a "No Comment" response as an indication that you have received and reviewed this document.

Please direct your comments to the planner assigned as noted above. Thank you for your cooperation.

PL6081409363716

Attachments

Thanks

John W. Sibley

EXHIBIT NN

000996

596



September 21, 1996

To: Mark Paulone
Assistant City Manager-Lake Forest

Re: EIR on Musick Jail

Dear Mark,

I have read the analysis of Dr. Tarantello regarding the *no effect issue* of the Musick Jail's expansion on property values and I would like to address some issues that his report neglected to disclose. As a real estate economist for the industry for the past 20 years, I have tracked the residential sales for Orange County. Since I live here in the Saddleback Valley, it is easy for me to provide direct data on the City of Lake Forest.

First, any analysis of real estate that covers only 4 months can not possibly tell you what is *really* happening in the market. Second, it would be impossible to have the analysis relevant without the consideration of the proposed use of the El Toro Marine base as another commercial airport. Third, one would have to understand the economic cycles affecting Orange County and how these recent years have affected sales. It is all well and good to say that property values are not going down but if the activity of residential sales are up 26.37% in Lake Forest over last year, why are prices not rising?

In Lake Forest, there were 383 sales during the above period but 183 homes entered the foreclosure process. That is a 45.75% of the total sales for that period! The area average is usually around 28%. If we were to look at the total sales through July, Lake Forest has had 581 residential sales yet 353 have entered the foreclosure process. That is a staggering 60% of total sales - the entire Saddleback Valley's average is only 30.83%!

This prompts a series of questions. What is causing Lake Forest to have a higher rate of pending foreclosures than any other city? Why are homes on the market longer in Lake Forest than any other city in this Valley? Why do these homes average fewer showings than similar homes in other cities and why are the potential buyers previewing these homes twice as much as buyers in the other cities and yet still not making an offer? This can only be explained by *some other* influence affecting the area. That influence has to be the combination of Lake Forest's close proximity to both the El Toro Marine base and the James A. Musick Facility and the proposed expansion of both facilities.

Sincerely,

Gary Watts, Real Estate Economist

25515 Murlands Blvd • Mission Viejo, California 92691 • Tel: (714) 707-5011 • Fax: (714) 707-5275

EXHIBIT 00
000997

597



County of Orange

MEMO

DATE: August 19, 1996

TO: Paul Lanning, Planner IV, Planning

FROM: Manager, Environmental Resources

SUBJECT: REVISED - REVIEW OF PHASE I ENVIRONMENTAL SITE ASSESSMENT FOR JAMES A. MUSICK FACILITY, 13592 MUSICK DRIVE, IRVINE

Environmental Resources Division (ERD) has reviewed the subject document for conformance with industry practices for conducting Hazardous Materials Assessments (HMAs). The purpose of this review is to determine the adequacy of the subject document for inclusion in the Environmental Impact Report (EIR) for the expansion of the James A. Musick Jail Facility and to evaluate its usefulness as guidance for the proposed expansion.

The subject document was prepared by Phase One, Inc., on July 11, 1996. The Assessment comprised: 1) a review of historic site-use activities, 2) regulatory database searches and records review, 3) a site reconnaissance, and 4) interviews. The Assessment did not include an inspection of on-site structures on the 100-acre property.

Phase One's conclusions found "two minor environmental concerns" and "two potential or possible environmental conditions." Also, with regard to on-site structures that were not inspected, the report stated that "given the pre-1981 construction date of some of the on-site buildings, it is likely that asbestos is present in and on these structures."

The "minor environmental concerns" were:

- 1) historical use of pesticides for agricultural use on 75 percent of the site area, and
- 2) various cases of the storage and usage of hazardous materials on the property, including: (1) an undocumented, abandoned underground storage tank previously filled with diesel fuel; (2) interviews revealing two previously leaking underground tanks that had been excavated and backfilled with cement; (3) a documented 10,000-gallon underground gasoline tank on-site, assumed to be one of the removed tanks; (4) six 55-gallon storage drums of oil and waste oil kept on an unpaved surface; (5) a small oil pump associated with oil storage on an unpaved surface; and (6) hazardous materials storage of various solvents within an uninspected warehouse.

The "potential or possible environmental conditions" were:

- 1) the potential for contamination from polychlorinated biphenyls (PCBs) originating from several on-site, pad-mounted transformers, and
- 2) the potential for on-site groundwater contamination originating from the El Toro Marine Corps Air Station.

EXHIBIT PP

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With regard to these findings, Phase One's assessment recommends:

- 1) that soil borings be taken to sample areas that have been, or are currently, used for agricultural purposes;
- 2) that the abandoned diesel tank be properly abandoned and documented and soil borings be taken to determine possible fuel leakage;
- 3) that pending documentation from the Orange County Health Care Agency be reviewed regarding the two underground tanks which were reportedly removed; if closure cannot be verified, soil borings are recommended;
- 4) that the documented underground tank be positively identified as one of those removed or its current location and status found;
- 5) that all 55-gallon drums of hazardous materials or waste be provided secondary containment and soil borings be taken in the vicinity to determine the impact of spillage or leakage over time;
- 6) that soil sampling be conducted beneath the small, abandoned oil pump and storage tank to determine the impact of spillage or leakage over time;
- 7) that soil sampling be conducted in the vicinity of the solvent and waste solvent storage and usage areas to determine the impact of spillage or leakage over time.

The assessment concluded that both "potential or possible environmental conditions" were a low potential for impacting the property and that there is no indication of the presence of formaldehyde or heavy metals. In the absence of building inspections, no conclusions or recommendations were made regarding the potential presence or impact of radon, lead-based paint or lead-containing water.

ERD found the Phase One report to be extremely thorough and consistent with County standards for conducting such Hazardous Materials Assessments. Further, ERD concurs with all of the Phase One findings and recommendations and that the additional environmental investigations of the property are warranted.

It should be noted that due to the potential for environmental contamination identified in the Phase One report, the final building design and placement may need to be integrated with site mitigation measures if these are determined to be necessary.

With regard to the issue of asbestos, the County of Orange General Services Agency has conducted an asbestos survey of the Musick structures (attached). ERD recommends that this survey be added to the hazardous materials chapter of the EIR.

PP-2
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Musick Facility Environmental Assessment Review
Page 3

If you have any questions, please contact Ward Allebach at 567-6376.


Chris Crompton

Attachments:

- Phase I Environmental Site Assessment, Completed by Phase One, Inc.,
Dated July 11, 1996
- Comprehensive Asbestos Survey for County of Orange James A. Musick Jail
Facility, Completed by ATC Environmental, Inc., Dated April 1991

RWA:rwa

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LARRY M. LEAMAN
DIRECTOR

County of Orange
SOCIAL SERVICES AGENCY
SOCIAL SERVICES ADMINISTRATION
1055 N. MAIN STREET, SUITE 700
SANTA ANA, CA 92701-3616
(714) 541-7700

March 14, 1996

TO: Ruby Maldonado
EMA/Advance Planning Division

SUBJECT: MCAS El Toro Notice of Interest: Request for Additional
Information Regarding Traffic Flow in and out of the
Proposed County of Orange Social Services Agency
Transitional Shelter Care/Intermediate Care Facility

This letter is in response to a request for information regarding anticipated traffic flow in and out of the proposed County of Orange Social Services Agency Transitional Shelter Care/Intermediate Care Facility on MCAS El Toro. The information provided below represents the best estimates available at this preliminary planning point in time.

A. Intermediate Care Facility

It is proposed that the existing Intermediate Care Facility (ICF) be relocated from its present location in the Manchester complex in Orange to MCAS El Toro and expanded from its current 24-bed capacity to a bed capacity of 40. Traffic flow and intensity of use at the existing ICF will be used to predict conditions at the proposed relocated, expanded capacity facility.

As a 24-hour, 7-days a week residential treatment operation, the current ICF houses 24 children, as well as Health Care Agency (HCA) mental health staff, Department of Education (DOE) school staff, and New Alternatives, the contract residential treatment provider staff. ICF also receives visitors (parents, relatives, volunteers, county workers, meeting attendees, and others); and it runs shuttle vans that transport children to and from court visits, outings, and other excursions and staff on facility errands such as to purchase food supplies and other institutional needs.

According to the New Alternatives site manager, traffic flow is relatively consistent throughout the week, with the traffic being slightly busier on weekdays because the mental health staff and school staff work only on those days. Traffic during the daytime is significantly greater than during the nighttime.

EXHIBIT QQ

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Ruby Maldonado
March 14, 1996
Page 2

Total Entrances or Exits (One Way Traffic) Per Day on an Average
Day -- Using ICF in Early 1996 as a Basis for Estimation

	<u>Current</u>	<u>El Toro</u>
HCA Mental Health Staff (10 staff now, 15 at expanded)	50 ¹	75 ¹
School Staff (5 staff now, 7 at expanded)	12 ²	18 ²
Contract Service Provider (26 on any given day now, 38 on any given day at expanded)	52 ³	76 ³
Visitors (8-15 now, 13-25 at expanded, includes off shift staff for meetings)	16-30 ⁴	26-50 ⁴
Deliveries from Outside (1 per day)	2 ⁵	3 ⁵
Trips by Contract Service Provider Vans (children and supplies -- (6-10 trips now, 10-16.7 at expanded)	12-20 ⁶	20-33 ⁶
TOTAL	144-166/day	218-255/day

¹ The figures for HCA mental health staff and the estimates of entrances or exits per staff per day were provided by HCA Mental Health. Their staff is located at ICF weekdays only, on varying schedules running from 6:30 a.m. to 7:30 p.m.

² The figures for the school staff and the estimates of entrances or exits per staff per day were provided by the DOE staff. Staff works 7-7:30 a.m. to 4:00 p.m. on weekdays only.

³ The figures for staff and the estimates for entrances or exits per staff per day -- both for the current facility and the expanded one -- were provided by contract service provider. Staff shifts presently are as follows: 14 staff working 7:00 a.m. to 3:00 p.m., nine staff working 3:00 p.m. to 11:00 p.m., and three staff working 11:00 p.m. to 7:00 a.m. The shift predictions for the 40 bed facility are: 18 staff working 7:00 to 3:00 p.m., 14 staff working 3:00 p.m. to 11:00 p.m., and six staff working 11:00 p.m. to 3:00 a.m.

⁴ The estimate of 8-12 visitors currently was provided by contract service provider. Three additional visitors were added to the top range of that estimate to account for the fact that once a week all 40

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Ruby Maldonado

March 14, 1996

Page 3

current staff are on site for a meeting – thus, 14 more than would normally come on site in a day and a double trip for that day's graveyard shift. These 17 extra staff visits for off-shift staff meetings were averaged over 7 days to add an extra 2.4 visitors per day (raised to 3) for each of the days of the week – making the current estimate 8-15. The estimate for the expanded El Toro facility was arrived at by multiplying the current estimate by 1.67 – the proportional increase from 24 to 40 beds.

- 5 The estimate for current operations was provided by contract service provider. The estimate for the expanded El Toro facility was arrived at by multiplying the current estimate by 1.67 – the proportional increase from 24 to 40 beds.
- 6 The estimate for current operations was provided by contract service provider. The estimate for the expanded El Toro facility was arrived at by multiplying the current estimate by 1.67 – the proportional increase from 24 to 40 beds.
- 7 The estimates for current and future operations were provided by contract service provider.

Location and Parking Considerations

Two considerations regarding location were raised by the contract service provider and HCA mental health staff. First, the ICF should not be located adjacent to a heavily traveled street. A quiet adjacent street would enhance the safety of the children. Second, collocation with the emergency shelter and Juvenile Hall at the Manchester Complex has been ideal for convenience, time, and transportation reasons and would likewise be ideal for collocation with these types of facilities on MCAS El Toro if possible.

With respect to parking, the ICF would have a significant staff overlap from 2:45 p.m. to 3:15 p.m., when the greatest number of staff on incoming and outgoing work shifts are parked on site at the same time. This would be a total of 32 people at the proposed expanded facility. Also, once a week program staff has an on-site meeting during which an estimated total of 52 staff must attend. Additionally, because there will be staff leaving the facility late at night, it is important for staff safety reasons that parking is located close to the building.

A rough estimate of parking needed at the proposed El Toro facility is 103. This estimate should accommodate peak times.

B. Transitional Shelter Care Facility

This 40-60 bed facility is to house a program providing short-term, intensive care for dependents in transition between out-of-home providers. Estimates for traffic flow in and out of this facility and intensity of its use have been obtained from the private not-for-profit contract service provider that runs the existing 32 bed facility, CRF, which this proposed program is designed to supplement. Again, this would be a 24-hour, 7-days a week facility with traffic created by staff, visitors, provider vans, and others.

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Ruby Maldonado
March 14, 1996
Page 4

Total Entrances or Exits (One Way Traffic) Per Day on
an Average Day – Using New Alternative's Estimates

Private Not for Profit Residential Staff (37-42 on any given day)	74-84 ¹
School Staff (8-9 with an in & out trip for lunch)	32-36
Visitors (24-32)	48-64 ²
Trips by Provider's Vans, (children, supplies, and errands – 11-17.6 trips)	22-35 ³
Therapists/Medical Staff (2 on average)	4
<hr/>	
TOTAL	180-223 entrances or exits per day

¹ The estimate of staff per shift was: 12-14 staff working 7:00 a.m. to 3:00 p.m., six staff working 9:00 a.m. to 5:00 p.m., 13-15 staff working 3:00 p.m. to 11:00 p.m., and 6-7 staff working 11:00 p.m. to 3:00 a.m.

² The estimate provided by contract service provider was 15-20 visitors per day at the existing CRF facility or 30-40 entrances or exits. This estimate was then multiplied by 1.6 – which is the proportional increase from 32 beds to 50 beds.

³ The estimate provided by contract service provider was three vans making a total of 7-11 trips per day now or 14-22 entrances or exits. This estimate is based upon the fact that the existing CRF is located near various conveniences, and, thus, groups of children can be taken on walks for ice cream, fast food, and other diversions rather than having to be transported in a van. The estimate given would be different if a same type but expanded bed facility was located in an isolated area and, therefore, required vehicle transport for all outings. The estimate provided by contract service provider was then multiplied by 1.6 – the proportional increase from 32 beds to 50 beds. This resulted in 11-17.6 trips or 22-35 entrances or exits.

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Ruby Maldonado
March 14, 1996
Page 5

Location and Parking Considerations

With respect to location, again the suggestion was made that the facility not be located adjacent to a heavily traveled street.

It is necessary to point out, with regard to parking, that this facility, like other 24-hour facilities such as Orangewood and ICF, will undoubtedly also have a shift overlap in mid-afternoon, when the morning shift and swing shift must all be able to park at the same time. Adequate parking, therefore, needs to be allotted for this double shift time period. According to the estimates, this would involve 31-35 people. Also, it is likely that the private not-for-profit contract service provider running the El Toro facility would have a once a week staff meeting where all staff would be on site at the same time. With these estimates, that would involve at least 51 provider staff who would need to be able to park. Additionally, because there will be staff leaving the facility late at night, it would be important for staff safety reasons that parking is located close to the building.

A rough estimate of parking needed at the proposed El Toro facility is 98 parking slots. That estimate should accommodate peak times.

I hope this additional information is what you needed and will assist you in your planning. If you have questions or require additional information, please contact Dennis Edwards, Manager, Administrative Services at 541-7893.



Larry M. Leaman
Director
Social Services Agency

/bc

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LATE COMMENTS

001006

000100



ORANGE COUNTY FIRE AUTHORITY

180 South Water St. • Orange, CA 92666-0086 • (714) 744-0400

Larry J. Holms, Director of Fire Services

October 7, 1996

Mr. Paul Lanning
Environmental and Project Planning Division
300 N. Flower Street, Room #321
P.O. Box 4048
Santa Ana, CA 92702

SUBJECT: DRAFT EIR #564 - MUSICK EXPANSION

Dear Mr. Lanning:

Thank you for forwarding a copy of the Draft Environmental Impact Report for the Musick Expansion. The following comments are provided for purposes of clarification and consideration in this project.

Page 10: Responsible Agencies and Agencies Consulted - The State Fire Marshal is listed as having regulatory and permitting authority over this project. OCFA is responsible for approval of fire protection water distribution systems, fire alarm system locations, access, emergency response, and inspection authority. In addition, OCFA issues permits for occupancy and hazardous materials and should also be listed as a contact on this project.

2 Page 131: Project Impacts Prior to Mitigation - The public safety element specifically addresses escape routes and other concerns related to law enforcement, but fails to properly address issues related to fire prevention. Several statements relating to fire prevention and safety are misleading. For instance "fires are very rare in these newer buildings because of the materials used and the fact that smoking is prohibited". The majority of fires are content fires and not necessarily initiated in the structure itself. Some of the common initiation points and routes of spread include HVAC system, electrical, mattresses, kitchens, and trash areas. The only way to effectively prevent large fires is through the installation of fire sprinklers. Visitors and delivery persons are an added concern in the area of public safety and contribute towards the overall issues related to fire service delivery.

3 Page 132: The statement is made that "no documented public safety issue exists with respect to the issue of public safety in the vicinity of a jail." This may be true from a law enforcement perspective, however, from a fire and life safety standpoint the impact of a large population with restricted exiting capability (inside and outside the facility) and the potential for delayed emergency access is an issue.

Serving the Cities of: Buena Park • Cypress • Dana Point • Irvine • Laguna Hills • Laguna Niguel • Lake Forest • La Palma • Los Alamitos • Mission Viejo • Placentia • San Clemente • San Juan Capistrano • Seal Beach • Stanton • Tustin • Villa Park • Westminster • Yorba Linda • and Unincorporated Areas of Orange County

RESIDENTIAL SPRINKLERS AND SMOKE DETECTORS SAVE LIVES

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4 Paged 183: Public Services and Facilities - Mitigation Measures - The discussion on page 179 from the Fire Authority addresses requirements needed to mitigate project impacts. However, they are overlooked in the Mitigation Measures on page 183. OCFA should be added to the list of agencies to be consulted during design and construction activities.

We appreciate the opportunity to respond to the comments on this project. Please feel free to contact me at 744-0484 if you desire additional information.

Sincerely,



Nancy Foreman
Community Safety Department

pc: Laura Blaul, Planning & Development
Chief Walker, Fire Marshal/Division Chief

From the desk of:

Colleene Wincele

Orange Co.
To: Board of Sup.

10-7-96
RECEIVED

OCT 09 1996
Environmental & Project Planning

Re: Musick Jail Expansion

1 I am vehemently opposed to any expansion of the Musick jail. This is a community of lovely homes & neighborhoods. The idea of placing maximum security prisoners & unstable youths in a residential area is offensive, ridiculous, and down right stupid. Do you live in El Toro? Do the Board of Supervisors? Would you like to have maximum security prisoners (murderers, child

From the desk of:

~~Colleene Wincele~~

moleskers, rapists) released on the
street outside your neighborhood?

1

I have 2 small children and
that prospect is a frightening
one.

Colleene Wincele

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PETE WILSON
GOVERNOR

State of California

GOVERNOR'S OFFICE OF PLANNING AND RESEARCH

1400 TENTH STREET
SACRAMENTO 95814



LEE GRISSOM
DIRECTOR

October 7, 1996

PAUL LANNING
COUNTY OF ORANGE
300 N. FLOWER STREET
SANTA ANA, CA 92702-4048

Subject: EXPANSION OF JAMES A. MUSICK FACILITY; INTERIM CARE
FACILITY SCH #: 96061024

Dear PAUL LANNING:

1 [The State Clearinghouse submitted the above named environmental document to selected state agencies for review. The review period is closed and none of the state agencies have comments. This letter acknowledges that you have complied with the State Clearinghouse review requirements for draft environmental documents, pursuant to the California Environmental Quality Act.

Please call at (916) 445-0613 if you have any questions regarding the environmental review process. When contacting the Clearinghouse in this matter, please use the eight-digit State Clearinghouse number so that we may respond promptly.

Sincerely,

ANTERO A. RIVASPLATA
Chief, State Clearinghouse

RECEIVED
OCT 09 1996
EMA

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Notice of Completion

Culbertson Adams

0002/003

Appendix F

See NOTE above

Mail to: State Clearinghouse, 1400 Tenth Street, Sacramento, CA 95814 916/445-0613

SCH # 96061024

Project Title: Expansion of the James A. Musick Jail Facility

Lead Agency: County of Orange

Contact Person: Paul Lanning

Street Address: 300 N. Flower Street

Phone: (714) 834-3686

City: Santa Ana, California

Zip: 92702-6048

County: Orange

Project Location

County: Orange

City/Nearest Community: Irvine and Lake Forest

Cross Street: Bake Parkway & Musick Drive

Total Acres: 100

Assessor's Parcel No.:

Section:

Top:

Ranger:

Base:

Within 2 Miles: State Hwy #:

Waterway: Borrego Canyon Wash

Airport: MCAS Ft. Totten

Railway:

Schools:

Document Type

CEQA:

☐ NOP

☐ Early Conc

☐ Neg Dec

☒ Draft EIR

☐ Supplement/Subsequent

☐ EIR (Prior SCH No.)

☐ Other

NEPA:

☐ NOI

☐ EA

☐ Draft EIS

☐ FONSI

Other:

☐ Joint Document

☐ Final Document

☐ Other

Local Action Type

☐ General Plan Update

☐ General Plan Amendment

☐ General Plan Element

☐ Community Plan

☐ Specific Plan

☐ Master Plan

☐ Planned Unit Development

☐ Site Plan

☐ Resource

☐ Prezone

☐ Use Permit

☐ Land Division (Subdivision, Parcel Map, Tract Map, etc.)

☐ Annexation

☐ Redevelopment

☐ Coastal Permit

☒ Other EIR

Development Type

☐ Residential: Units

Acres

☐ Office: Sq.ft.

Acres

Employment

☐ Commercial: Sq.ft.

Acres

Employment

☐ Industrial: Sq.ft.

Acres

Employment

☐ Educational

☐ Recreational

☐ Water Facility: Type

MGO

☐ Transportation: Type

☐ Mining: Mineral

☐ Power: Type

Water

☐ Waste Treatment Type

☐ Hazardous Waste Type

☒ Other: Jail Expansion & Operation

Project Issues Discussed in Document

☒ Aesthetics/Visual

☒ Agricultural Land

☒ Air Quality

☒ Archaeological/Historical

☒ Coastal Zone

☒ Drainage/Alterations

☒ Economic/Job

☒ Fiscal

☒ Flood Plain/Flooding

☒ Forest Land/Fire Hazard

☒ Geologic/Seismic

☒ Minerals

☒ Noise

☒ Population/Housing Balance

☒ Public Services/Facilities

☒ Recreation/Parks

☒ Schools/Universities

☒ Septic Systems

☒ Sewer Capacity

☒ Soil Erosion/Compaction/Grading

☒ Solid Waste

☒ Toxic/Hazardous

☒ Traffic/Circulation

☒ Vegetation

☒ Water Quality

☒ Water Supply/Groundwater

☒ Wetland/Riparian

☒ Wildlife

☒ Growth Inducing

☒ Landuse

☒ Cumulative Effects

☒ Other: Public Facilities

Present Land Use/Zoning/General Plan Use

General Plan designation "Public Facilities", Zoning is A-1 "General Agricultural"

Project Description: The project consists of the expansion and operation of the Musick Jail, located at 13502 Musick Drive in Irvine, to a maximum of 7,584 inmates from the current population of approximately 1200 - plus. The expansion is anticipated to be phased over time with a variety of inmate population levels occurring over the project buildout. A full range of inmate classifications will be incarcerated in the facility including minimum, medium, and maximum security inmates. Construction will entail development of inmate housing units in either a cell or dormitory configurations. Related support structures will also be constructed. This project includes booking and release of inmates, the construction of a warehouse and central plant, and parking structures. Finally, a Sheriff's station and an Inmate Care Facility will be located on the site.

State Clearinghouse Contact: Mr. Chris Belaky
(916) 445-0613

Project Sent to the following State Agencies

State Review Began: 8-22-96

Dept. Review to Agency: 9-24

Agency Rev to SCH: 10-4

SCH COMPLIANCE: 10-7

Please note SCH Number on all Comments

96061024

Please forward late comments directly to the Lead Agency

AQMD/APCD 33 (Resources: 8-24)

☒ Resources

☐ Boating

☐ Coastal Comm

☐ Coastal Conserv

☐ Colorado Rvr Bd

☐ Conservation

☒ Fish & Game # 5

☐ Delta Protection

☐ Forestry

☐ Parks & Rec/OHP

☐ Reclamation

☒ BCDC

☒ DWR

☐ OES

☐ Bus Transp Hous

☐ Aeronautics

☒ CHP

☒ Caltrans # 12

☐ Trans Planning

☐ Housing & Devel

☐ Health & Welfare

☐ Drinking H2O

☐ Medical Waste

State/Consumer Svcs

General Services

Cal/EPA

ARB

☒ CA Waste Mgmt Bd

☐ SWRCB: Grants

☐ SWRCB: Delta

☐ SWRCB: Wtr Quality

☐ SWRCB: Wtr Rights

☒ Reg. WQCB # 2

☒ DTSC/CTC

☒ Yth/Adlt Corrections

Corrections

Independent Comm

Energy Comm

NAHC

PUC

Santa Mn Mtns

☒ State Lands Comm

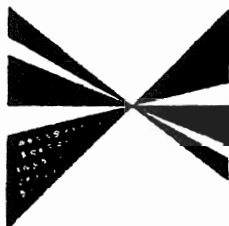
Tahoe Rgl Plan

Other:

001013

10100

SOUTHERN CALIFORNIA



ASSOCIATION of
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Shaw, Compton • Ray Smith, Bellflower • Rudy
Swerinich, Los Angeles • Joel Wachs, Los Angeles •
Rita Walters, Los Angeles • Judy Wright, Claremont
• Paul Zee, South Pasadena

County of Orange: Marian Bergeson, Orange
County • Ron Bates, Los Alamitos • Art Brown,
Buena Park • Jan Debay, Newport Beach • Richard
Dixon, Lake Forest • Sandra Genis, Costa Mesa •
Candace Haggard, San Clemente • Bev Perry, Brea

County of Riverside: Bob Buser, Riverside
• Dennis Draeger, Calimesa • Dick Kelly,
Riverside • Ron Lovelidge, Riverside • Ron
Lomenda

County of San Bernardino: Larry Walker, San
Bernardino County • Jim Bagley, Twentynine Palms
• David Berman, Calico • David Berman,
Ontario • Tom Minor, San Bernardino • Gussie
Jones-Perry, Chino Hills • Robert Nolan, Upland
County of Ventura: Judy Mills, Ventura County
• Andrew Fox, Thousand Oaks • Stan Dally, Camarillo
John Melton, Santa Paula

October 4, 1996

Mr. Paul Lanning
Environmental and Project Planning Division
300 N. Flower Street, Room #321
P.O. Box 4048
Santa Ana, CA 92702

RE: SCAG Clearinghouse #: I9600266
Project Title: DEIR #564, Expansion of Existing Jail Facility: James
A. Musick Expansion and Operation; Relocation of Interim Care
Facility; Sheriff's Southeast Station

Dear Mr. Lanning:

We have reviewed the above referenced document and determined that it is not regionally significant per Areawide Clearinghouse criteria. Therefore, the project does not warrant clearinghouse comments at this time. Should there be a change in the scope of the project, we would appreciate the opportunity to review and comment at that time.

A description of the project has been published in the September 1, 1996 Intergovernmental Review Report for public review and comment.

The project title and SCAG Clearinghouse number should be used in all correspondence with SCAG concerning this project. Correspondence should be sent to the attention of the Clearinghouse Coordinator. If you have any questions, please contact Betty Mann at (213) 236-1902.

Sincerely,

VIVIANE DOCHE
Manager, Intergovernmental Review

RECEIVED
OCT 09 1996
EMA
001013

28 Blanco
Foothill Ranch, CA 92610
28 September 1996

Paul Lanning
Environmental Management Agency
Environmental and Project Planning Division
County of Orange
PO Box 4048
Santa Ana, CA 92702

RECEIVED

OCT 08 1996

Environmental & Project Planning

Dear Mr. Lanning:

I am writing to provide my input on the draft environmental report on the proposed expansion of the jail at the Musick Farm.

At this point as a taxpayer and a proud south county citizen, I have to say.. "what next???"

1 First the airport then a maximum security prison in our backyards, literally!!

The proximity of the site to the neighborhoods close by, as close as 700 feet in some cases, I'm told, makes the location totally unacceptable for such a facility. We were promised years ago this expansion would never happen!

Well, read our lips!! No new jail!!

Thank you for taking time to consider my opinion.

Yours truly,



Robert Thomson

001014

010100

LAW OFFICES

HEDGES & CALDWELL

A PROFESSIONAL CORPORATION

606 SOUTH OLIVE STREET, SUITE 500
LOS ANGELES, CALIFORNIA 90014-1507
TELEPHONE (213) 629-9040
TELECOPIER (213) 629-9022

RALPH H. NUTTER
JAN B. NORMAN
OF COUNSEL

CHRISTOPHER G. CALDWELL
GEORGE R. HEDGES
H. JAY KALLMAN
MICHAEL R. LESLIE
JOAN MACK
SHERRYL LEE MICHAELSON
MARY NEWCOMBE
DAVID PETTIT

October 14, 1996

RECEIVED

OCT 15 1996

Environmental & Project Planning

BY FEDERAL EXPRESS

Paul Lanning
Project Manager
County of Orange
Environmental and Project Planning
300 North Flower Street, Room 321
Santa Ana, California 92702

Re: Supplemental City of Lake Forest Comments on Draft EIR 564

Dear Mr. Lanning:

1 The City of Lake Forest wishes to supplement its prior comments on Draft EIR 564 by this letter. These Supplemental Comments are based upon additional documents provided by the County of Orange to the City of Lake Forest in response to our Public Records Act request dated September 13, 1996. Although some documents responsive to that Public Records Act request were provided by the County prior to the October 7, 1996 deadline for Comments, many documents were not provided by the County until after the deadline for Comments, despite the City's repeated requests that the documents be provided well prior to October 7, 1996. Instead, the City was not informed that these additional documents would be made available until 4:15 p.m. on October 7 – approximately one hour after the City of Lake Forest delivered its initial Comments and fifteen minutes after the County's stated deadline for Comments. The County did not actually provide the additional documents to the City until October 10, 1996. As stated in the City of Lake Forest's original Comments at pages 7-8, the City reserved the right to submit additional comments based upon any additional documents provided by the County, and the City does so now.

2 The City asks that this letter and the attached Exhibits be added to the record as part of its Comments. The new Exhibits and their significance is as follows:

Exhibit "RR" is two documents produced by the County from the files of County Supervisor James Silva. These documents relate to available funding for the proposed Musick megajail, and further demonstrate that the County does not have anywhere close to sufficient funds to build the proposed \$1 billion jail. According to the document, only \$50 million is anticipated to be available to the County, even if the bond measure passes

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OCT 15 1996
001015 EMA

- 2** in November. The second page of Exhibit "RR" also shows that no construction at Musick would occur for at least a "couple of years," which demonstrates that timing considerations relied upon in the DEIR to reject other alternatives are unfounded.

- 3** Exhibit "SS" is a May 20, 1996 letter from Supervisor Donald Saltarelli to Marcel Fernandez. This letter indicates that the first \$80 million obtained by the County for jail construction will be spent on expansion of the Theo Lacy facility, as the City of Lake Forest has suggested in its Comments is appropriate. In light of this information, as well as the information in Exhibit "RR" that actually only approximately \$50 million will come from the November initiative, it is even more clear that the County has insufficient funding to undertake construction of the proposed Musick megajail at any time in the near future. Accordingly, the proposed Musick megajail does not meet the project objective that the new jail "fit within the County budget revenues and financing opportunities." DEIR 564 at 21.

- 4** Exhibit "TT" is an October 21, 1991 letter from County Counsel Terry Andrus to Supervisor Roger Stanton. This letter shows that the County Counsel's office is in agreement with the comment made by the City of Lake Forest that the passage of time can cause already-approved CEQA documentation to be subject to a new legal challenge and that the passage of time may require the preparation of additional environmental documentation. The City of Lake Forest's Comments identified this as a factor that should be considered by the County in determining whether funding exists for construction of a proposed new Musick megajail. Specifically, the City commented that any additional funding that becomes available should be used to complete the already-approved expansion of the Theo Lacy facility, before the EIR for that project becomes stale and subject to a new CEQA challenge. See City's Comments at 4.

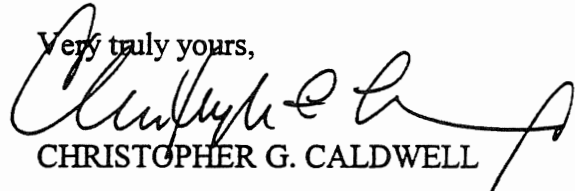
- 5** Exhibit "UU" is an article from the *Los Angeles Times* at the end of September, 1996, which describes an escape of an inmate from the Musick facility. This escape is not analyzed in the DEIR's discussion of public safety impacts from the proposed new megajail, and this escape should be added to the data discussed in that section.

- 6** Exhibit "VV" is a December 6, 1994 letter to the Board of Supervisors from Board members Thomas Riley and Roger Stanton. This letter should be included because it provides additional evidence that DEIR 564 does not sufficiently consider relocation of the existing Musick facility to a site at MCAS El Toro as a feasible alternative.

Paul Lanning
October 14, 1996
Page 3

7 [These additional Exhibits further substantiate the Comments submitted by the City of Lake Forest, and demonstrate that DEIR 564 fails to comply with CEQA's requirements.

Very truly yours,



CHRISTOPHER G. CALDWELL

Enclosures

cc: Robert Dunek

From the Desk of...

Steve Frank's

George King
837-3881
022

Ron,

7/24

Please do an update memo to Jim on the Mucich EIR & Jail expansion efforts given the results of the State budget. If appropriate, Jim thought about a letter requesting same from Sheriff Gates. Your thoughts? Thanks,

Steve

COPS not ~~in~~ ~~budget~~ on ballots ~~off~~ ~~60-1%~~
- other budget money.

Chief of Staff to Supervisor James W. Silva, Second District
Orange County Board of Supervisors

left memo for Jerry Krane, 7-24.

② H.B. 3116


① 3229 - 12.5% to O.C.
for local jails.
bond issue


has money in it - a bond issue -
we could get 50 mil.

③ Fine money - 1.2 mil.

EXHIBIT "RR"

COUNTY OF ORANGE
BOARD OF SUPERVISORS
M E M O R A N D U M

DATE: July 25, 1996
TO: JIM
FROM: RON 
RE: Expansion of Musick Facility



Steve asked me to update you on the funding possibilities for the Musick jail expansion. According to Under Sheriff Ramos, the COPS ballot measure will not go before the voters in November. (The initiative would have provided taxpayers a box to check if they wanted 1% of their taxes to go to local law enforcement and jail costs.) Instead, two bond measures will appear on the ballot. One would garner approx. \$50 million for Orange County jail construction, the other would provide us 12.5% of the total amount for local jails. The only other money specifically earmarked for jail construction is certain fine revenues, about \$1.2 million a year.

The good news is we're still a couple of years away from actually turning dirt at Musick, so we can work on funding in the meantime.

Regarding the EIR process, there was a neighborhood meeting in Irvine this week for the Sheriff's Department to present their plans. A video tape (copy on your t.v. set) was shown at the meeting.

EXHIBIT • RR"

080100

001019

2/2



DONALD J. SALTARELLI

SUPERVISOR, THIRD DISTRICT

ORANGE COUNTY HALL OF ADMINISTRATION
10 CIVIC CENTER PLAZA, P.O. BOX 687, SANTA ANA, CALIFORNIA 92702-0687
PHONE (714) 834-3330 FAX (714) 834-2786

May 20, 1996

Mr. Marcel Fernandez
25950 Acero, Suite 100
Mission Viejo, CA 92691

Dear Mr. Fernandez,

Thank you for your letter of May 7, 1996 regarding the possible size and scope expansion of the Musick jail facility. I know you to be a fellow Realtor in Orange County and I greatly respect your community involvement.

First, let me assure you that no expansion of the jail facility has been approved for the Musick site. The action that the Board of Supervisors has requested is the environmental study to determine if the site is able to be used as a maximum security facility in the future. This study may well determine that the potential negative impacts outweigh the public benefit of its construction.

As you know, jail overcrowding is not a new problem. Jurisdictions have been dealing with this issue for many years; it has plagued Orange County since 1974. In 1968, the Orange County jails were built to house approximately 1,400 male and female inmates. At that time, the law enforcement community served a population of 1.3 million. Today we serve a population of 2.5 million Orange County residents and we house over 5,100 prisoners in our overcrowded jails. The increase in crime and population over the years has resulted in jail overcrowding to the extent that the Sheriff is forced to release prisoners back into our communities before their sentences are served. The entire community is affected when we are forced to reduce sentences and release prisoners early. The enclosed pages from the Crime Victims Bureau give us a small sense of the heartache and rage felt by victims' families.

You expressed doubts about my exercising the will, savvy and power to properly serve my district. You may not know it, but I suggested early in my tenure the incarcerating of Orange County prisoners in jails within other jurisdictions. I generally support and have called for genuine concentration on private and public sector solutions such as remote site locations, video arraignment and trials, electronic "tethers", and the like.

We currently have no money to build jail facilities. The first \$80 million or so that may be authorized by the November ballot issue will go to expand the Theo Lacy

EXHIBIT "SS"

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Mr. Marcel Fernandez
May 20, 1996
Page 2

facility in the City of Orange. I will be asking the Sheriff to study other sites on the El Toro base that may be more appropriate than Musick. Additionally, I would be happy to arrange a tour of our maximum security facilities for you.

In the past, elected officials were faced with jail overcrowding and were unable to make a decision regarding the building of a new facility. The reason was that some nearby residents were vocal about not wanting it in "their back yard", even though the site was in a remote canyon area. Therefore, we are faced with an unsolved and worse problem today. As an appointed supervisor to the Third Supervisorial District, I am committed to make difficult decisions that need to be made for the safety and betterment of all of Orange County including, but not limited to, the Third District. As Realtors, you and I know that our community will reap the benefits of keeping dangerous criminals off of the streets. Buyers' attitudes about property values are influenced in part by how safe they feel and their fear of violent crime in society.

Mr. Fernandez, your letter reveals you to be an articulate and passionate advocate. I would welcome your constructive alternative solutions to an overcrowding problem that we both agree is horrendous. We both wish to conserve the county's "time and treasure", but I will need tangible and workable ideas if we are to find other locations for jail facilities as well as methods to finance them.

Sincerely,



DONALD J. SALTARELLI
Supervisor, Third District

DJS:ajc

Enclosure

EXHIBIT "SS"

000100

001021

2/2

COUNTY OF ORANGE
COUNTY COUNSEL

M E M O R A N D U M

October 21, 1991

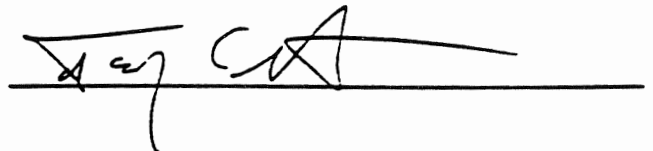
TO: Supervisor Roger R. Stanton
FROM: Terry C. Andrus, County Counsel
SUBJECT: Agenda Item No. S48A, October 22, 1991

The recommended action of the above-referenced Agenda Item states "rescind Resolution Numbers 87-1131 and 87-1033, designating Gypsum Canyon as the preferred long-term jail site." You have asked what the effect of that proposed resolution would be on EIR 476, which addresses the environmental effects, mitigation measures and project alternatives associated with the selection of the Long-Term Jail Facility site, certified by the Board of Supervisors on July 15, 1987, in the event a future Board of Supervisors wished to reconsider the Gypsum Canyon Jail site.

The effect of the proposed action would be to decertify that EIR. Thus, a new public comment and review period would be required in order to recertify, and any recertification would be subject to challenge in the same manner as provided by law for the original certification.

As Rob Richardson and I also discussed however, there is a distinct possibility that additional environmental documentation would be required in any event which would also be subject to legal challenge. That possibility would increase with (1) the passage of time if environmental circumstances change in the interval, and (2) any significant change in the project.

I hope this responds to your questions, if not, please do not hesitate to call.



TCA:rer

cc: Supervisor Gaddi Vasquez
Supervisor Thomas Riley
Supervisor Harriett Wieder
Supervisor Don Roth
Ernie Schneider, CAO
Mike Ruane, Director, EMA

EXHIBIT "TT"

120100

001022

This article was taken from the Los Angeles Times at the end of September. The increase from 1,200 minimum security beds to 9,000 minimum-, medium-, and maximum-security beds will only increase the frequency of this type of criminal activity in our community. Nowhere does the EIR address this type of situation.

Central

SANTA ANA

Inmate Who Busted Out of Bus Captured

An Orange County inmate who kicked out a bus window and jumped out while being taken to the James A. Musick Branch Jail was captured at a girlfriend's house, an Orange County sheriff's spokesman said Tuesday.

Arturo Martin Quezada, 22, a minimum-security inmate who worked at the County Jail, jumped from the bus about 8 p.m. Monday near Santiago Avenue and Santa Ana Boulevard, Sheriff's Lt. Ron Wilkerson said.

"There were no bars on the windows and when the bus neared the intersection, he just kicked it out and jumped out," Wilkerson said.

Sheriff's deputies arrested Quezada about 3 a.m. at the home of his girlfriend several miles away.

EXHIBIT "44"

001023

00100



COUNTY OF ORANGE
BOARD OF SUPERVISORS

ROBERT E. THOMAS HALL OF ADMINISTRATION
10 CIVIC CENTER PLAZA
P. O. BOX 687
SANTA ANA, CA 92702-0687

S45A

December 6, 1994

Non-Consent

Honorable Board Members
County of Orange
10 Civic Center Plaza
Santa Ana, CA 92701

SUBJECT: RELOCATION OF MUSICK JAIL

Honorable Board Members:

Challenges require the best of innovation and creativity that is available. The necessity of providing additional jail beds in Orange County is, perhaps, one of the most daunting challenges faced by Orange County. Nonetheless, creativity and partnership have been applied in the recent negotiations led by Supervisor William Steiner with the City of Orange in resolving issues related to the Theo Lacy Jail expansion. As a result, plans will soon be finalized for 1660 additional beds to that facility.

These beds follow the addition of 2,484 beds during the last 10 years including 696 at the Intake Release Center in Santa Ana in 1988, 852 beds at Theo Lacy, and 936 beds at the James Musick facility. While progress has been made, an ongoing concern relates to the long-term needs of the County. What is the appropriate location for additional facilities? Can condemnation of private property be avoided? How will it be financed? How will we pay for operations of the additional beds recently considered at Theo Lacy? Can existing jail operations be continued without interruption or compromise of security? Upon review, one recognizes that a location which can provide achievable objectives to each of the questions would be worthy of strong support.

Along these lines, we are recommending that the County explore the prospect of relocating the existing James Musick facility to an isolated site within the perimeter of the El Toro Marine Corps Air Station. Over the last decade, Orange County has stepped up to the challenge of meeting our major infrastructure needs. Road improvements and freeways are being implemented on a daily basis. The Santa Ana River flood project is moving rapidly up stream, and additional investments in public infrastructure are underway. As Sheriff Brad Gates has commented so eloquently over the years, the use of these items and the enjoyment of a safe Orange County depends on having a safe environment. Part of that infrastructure includes jails. This proposal will move the County forward in a proactive, achievable, and cost effective manner.

EXHIBIT "VV"

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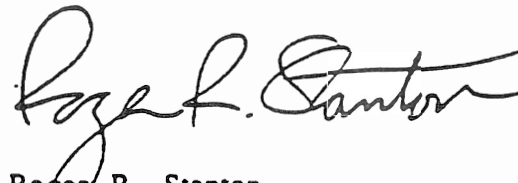
RECOMMENDED ACTIONS:

1. Direct the CAO, in concert with the Sheriff-Coroner, to prepare an application, at the earliest possible date, to acquire as a public benefit transfer, approximately 300 acres of real property at MCAS El Toro for use by the County for relocation of the Musick Jail.
2. Direct the CAO to work with the Sheriff and the appropriate County agencies including EMA, GSA, and County Counsel, to study the feasibility of relocating the Musick Jail functions contingent upon a timely acquisition of property at MCAS El Toro (to include time estimates for addition of new jail beds at either site).
3. Direct GSA to prepare a letter of appraisal to determine a preliminary value of the existing 100 acre Musick Jail site.
4. Direct the CAO, in concert with the County's Washington lobbyist, to advocate for early acquisition of the proposed relocation site through the public benefit transfer process.
5. Direct CAO to prepare a response to the Grand Jury Report concerning New Maximum/Minimum Security Jail Sites for Orange County within 45 days.

Respectfully Submitted,



Thomas F. Riley
Chairman, Board of Supervisors



Roger R. Stanton
Supervisor, First District

cc: Board Members
CAO
Sheriff/Coroner

FINAL RESPONSES TO COMMENTS

001026

FOREWORD TO THE RESPONSES TO COMMENTS

Prior to providing responses to comments on DEIR 564, the County of Orange believes that it would be helpful to present discussions on certain issues which were raised consistently throughout the process. These issues are Project Description, Social and Economic Effects, Cumulative Impacts, and Alternatives. The point of this discussion is to attempt to point out the requirements of the California Environmental Quality Act, its associated guidelines, and relevant case law. Throughout the comments, persons have raised objections to the information in the Draft EIR or to the project itself, which are not reviewable under CEQA, or not reviewable to the degree that the commentor wishes the issue addressed.

CEQA was never expected, nor was it designed, to be a comprehensive "staff report" for all governmental purposes. It is a law that is particularly aimed at the physical environment. The term environment is defined in the law, and the focus and structure of the law is on the maintenance and enhancement of the environment. The effect of activities which man wishes to undertake on the environment is the principle focus of the California Environmental Quality Act, and the EIR is the principle vehicle of that analysis. Therefore, concerns of persons, whether objecting to the project or not, which are outside of the physical environmental arena, are given attenuated consideration in CEQA. This is most apparent when a "LULU" - a Locally Undesirable Land Use - is proposed on a site which has few environmental attributes.

The responses to these comments is necessarily lengthy in order to meet state law requirements. The County of Orange has itemized in each case the responses to the comments, and has explained the basis to its position when in variance to the comments. Notwithstanding the County's position and opposition to certain comments, the County of Orange has also agreed to accept certain mitigation measures proposed by certain commentors. These will be included in the Board of Supervisor's Resolution under Findings.

Also included in the Social and Economic Effects discussion is a further letter from the economic consultant for this EIR who had the opportunity to review the comments on socioeconomic effects and diminution in property value. This is important data which confirms the data in the EIR completely, but "freshens" the data by reviewing the last two months of residential transactions to determine if there is any significant difference between the conclusions in the report published in August (included in the Appendix of the EIR), and the trends of the last two months.

The County of Orange has endeavored to provide considerable opportunities for public participation. To this end, a scoping meeting and two public information meetings were held on this project. A matrix is provided at the end of the Response to Comments indicating the speakers who appeared at the public information meetings, and an indication of which issues were raised. All of the issues raised orally at the public information meetings were also raised in various comment letters. Therefore, the County has responded in writing to those comments; however, the County of Orange wishes to indicate which speaker raised which issue generally.

At both public information meetings, the Planning Commission meeting and Board of Supervisor meeting dates, times, and locations were announced. Speakers were invited to identify

themselves as a person who could not attend the public meeting at either the Planning Commission or the Board. If a person so identified themselves, it was agreed that the County would present the comments of the witness to the Planning Commission and Board of Supervisors for the record. At the end of the matrix indicating speakers at the public information meetings, one speaker's comments are specifically provided. This was the only speaker who identified himself or herself as a person who would be unable to attend the Planning Commission meeting and wished their comments conveyed to the Planning Commission by County staff.

Description of the Proposed Project

Several comment letters exhibit confusion on the size of the project. The prior EIRs from the County have sometimes focused on "rated capacity", "crowded capacity", and "emergency capacity". However, these are terms of art for correctional facilities to determine funding, whether the facility is unconstitutionally overcrowded, and the like. In the Theo Lacy Branch Jail EIR there were comments tending to indicate that people were confused on the definition of rated versus crowded capacity. Therefore, this EIR took the approach of an **absolute maximum** for beds in the Musick jail. To that absolute maximum, the County reported that an additional 384 inmates could be accommodated under emergency conditions of 60 days or less. This is explain on page 35 of the EIR, and the discussion if followed on page 36 by a definition of rated and crowded capacity. However, this facility is evaluated at the maximum physical capacity that can be accommodated in the facility. Therefore the terms "rated" and "crowded" are presented only for the readers information and have no effect on the size of the facility.

Because several commentators apparently overlooked page 35's definition of an "absolute maximum", several commentators have multiplied the 7,584 bed number by 130% to reach a higher number for the jail. This is not what is proposed. Since CEQA focuses on impacts to the physical environment, and since how capacity is defined is not as important in a CEQA analysis as finding out what the absolute maximum capacity actually is, the absolute maximum was used. There is no basis for any other conclusion.

Social and Economic Effects

At page 184 of DEIR 564, an introduction to the manner in which social and economic effects are treated in CEQA precedes the discussion of socioeconomic effects. An economic analysis was performed for this jail expansion by Dr. Rocky Tarentello, a recognized expert in real estate evaluation. Because many of these locally undesirable land uses precipitate comments regarding diminution in value - and this was certainly the case at the scoping meeting on July 8 - and because the County of Orange wished to include substantial evidence in its EIR as to whether or not there was an economic effect leading to a physical effect, the County conducted this study. Studies of the effect of a facility on a prospective basis always involve some degree of prediction. CEQA provides important boundaries for public agencies in considering economic and social effects, because CEQA is a law which concerns itself principally with physical environmental effects.

This is not to say that any concerns regarding social or economic effects are unimportant or should be dismissed out of hand in deliberation on the project itself. It is simply to say that economic and social effects are not reviewable under CEQA unless they lead to some sort of physical effect that would be significant and adverse.

The pertinent CEQA section guideline is quoted at page 184. What the economic study attempted to do is trace a cause-and-effect from a proposed decision on a project through the anticipated economic or social changes to physical changes caused in turn by the economic and social changes. However, it is axiomatic that if no change in economic or social conditions can be found, there will be no opportunity for a physical change in the environment.

The case law is in accord with this principle. Courts have held that evidence of social or economic impacts which do not contribute to or are not caused by physical impacts on the environment are not substantial evidence [requiring preparation of an EIR]. This type of command from CEQA is particularly important when it is considered that the lowest possible threshold for requiring an EIR pertains to the time the determination as to whether an EIR or Negative Declaration (or other form of environmental compliance less than an EIR) is made.

Similarly, mere claims that a social or economic effect will occur are not sufficient to demonstrate that such social or economic effect will occur and, moreover, that it will lead to a change in the physical environment which is adverse. The courts have been particularly mindful of this maxim when considering social impacts, particularly the social characteristic of perspective persons attracted to the area due to the project, or who constitute a portion of the project.

What type of physical environmental impacts do CEQA and the courts look for when considering the potential for an adverse physical change? This really depends on the type of project being considered, but in a case such as the proposed project in DEIR 564, most of the criticisms have been in the area of diminution in property values, changes in land use patterns, loss of income to realtors, loss of listings or failure to sell listed property, and inability to attract appropriate business to name a few. Most of the cases dealing with any kind of physical deterioration have

focused on the fact that the agency, in its environmental documentation, did not even consider that the economic effect might directly or indirectly cause physical deterioration. In this case, the County elected to prepare a substantial economic study looking at real estate values, both residential and non-residential. Anecdotal information - such as interviews with residential real estate brokers - is not a proper substitute for published sales. What the County's consultant found was that there is no substantial economic difference in real estate transaction activity and relative values of real estate in the area surrounding the jail when comparing the pre- and post-announcement period. Since the announcement occurred in the spring and sales activity for residential is optimal through the summer months, this provided a seasonally timed opportunity for legitimate examination. The County's consultant concluded that there was no statistically significant difference between the activity and real estate behavior in the area surrounding the jail then there was in the control areas.

Following the issuance of the Draft EIR, the County requested that the economic consultant continue to observe the data for the months of August and September, and this was done. Attached to this discussion is a letter from Dr. Rocky Tarantello, the economic consultant for this project. This evidence presented by Dr. Tarantello summarizes his review of the months of August and September in terms of residential sales activity, since this is where most of the dispute appeared to focus. It is important to remember that it was during the months of August and September where this project received robust public participation from the surrounding community and received considerable attention in the press. These data confirm the conclusions of the economic report that there is nothing happening in the market place surrounding the jail that is substantially different than any other market place in Orange County, but that residential sales activity in those two areas closest to the jail actually shows an increase in the price per square foot for homes in the area. This increase is quite close to the percentage increase overall reported in the Los Angeles Times on October 8 for the Orange County area. Therefore, contrary to commentators empirical observations and anecdotal comments, the data actually shows that there is no economic change in any event. As observed by the economic consultant in both his report and in the attached letter, there is no possibility for a physical change if there is no economic change to begin with.

Social effects, such as the effect on the character of a neighborhood, the attraction of undesirables into an area, any tangential relationship to planning questions, or such effects as classroom overcrowding have been consistently rejected by courts interpreting CEQA as reviewable elements of the environment. This information would relate to complaints of commentators regarding criminal conduct in the area brought about by the jail, unsavory aspects of visitors to jail inmates, and the like. The County of Orange elected in its EIR to present extensive technical information concerning the three jail facilities in the county, comparing and contrasting them by classification level, and release procedure. There is simply no correlation between the allegation of increased criminal conduct, and the release of inmates. Similarly, there is no significant actual or physical effect from the presence of visitors in the area.

Again, CEQA is a law which is directed at the physical environment. Mere unsupported allegations that a diminution of value will cause broad physical effects, changes in land use patterns, massive flight from an area, or deterioration of a neighborhood are not reviewable aspects of CEQA if there is no indication in the data that these effects are even suggested. The

County has presented substantial evidence in the EIR that there are no economic and social effects, and there the inquiry is allowed to stop by the California Environmental Quality Act.

October 10, 1996

Ms. Andi Culbertson
CULBERTSON, ADAMS & ASSOCIATES
85 Argonaut, Suite 220
Aliso Viejo, CA 92656

RE: Response to Comments in Support of the James A. Musick Facility DEIR

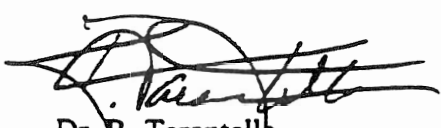
Dear Ms. Culbertson:

Tarantello & Associates has prepared the following responses to the comments received by your organization in a continuing effort to support the on-going study on property values in the area surrounding the James A. Musick facility. The DEIR objective was to ascertain whether property values in the vicinity of the jail site would be adversely affected by the proposed expansion and the continuation of our study supports and reenforces the DEIR's initial conclusions.

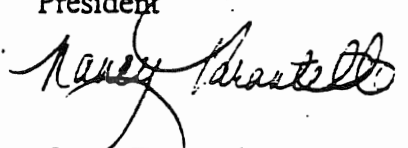
We are pleased that we could be of continued service in support of this project. Please notify us if any other additional information is required.

Respectfully submitted,

TARANTELLO & ASSOCIATES



Dr. R. Tarantello
President



Nancy Tarantello
Consultant

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1. Economic Impact Analysis Can Not Predict Social Evolutionary Trends

Socio-economic analysis and economic environmental impact analysis necessarily is predictive and does not establish the totality of social relationships among human beings or the behavior they may exhibit in the context of a dynamic multi-dimensional world. Broad sweeping generalizations based upon bias, innuendo, individual perceptions, limited, if any, information or unpredictable future events fail to provide the "*statistically significant*" empirical basis upon which reliable conclusions can be drawn.

The mere suggestion that a jail expansion could hypothetically "create economic obsolescence or drive prospective buyers away from a particular residential area" does not provide a sufficient foundation to draw such a conclusion. No evidence is offered by any of the comments of this effect. Economic obsolescence and neighborhood amenities are purely based on a point of view and not a statistical perspective. This type of information is merely anecdotal and is statistically invalid, especially when compared with the hard data presented in our report. In order to conclusively support such an assertion, property values in the immediate area would have to exhibit declining sales values and sales activity at a rate *in excess* of that observable in the general (regional) market area after the expansion had taken place.

Since it is virtually impossible to measure the effect on an ex ante basis, one would either attempt to measure the potential effect by measuring the sales activity and lease activity before the actual jail construction began, but after the public notice, to ascertain the degree to which any pre-construction impact may exist, or rely on non-site specific studies of similar circumstances to detect any potential inference they may offer. Either approach requires a sufficient statistical foundation, a high degree of circumstantial correlation, or both. In the preparation of the DEIR, there was no sufficient statistical basis to support the assertion that the jail expansion had indeed impacted the property values within the closest proximity to the jail site.

To further support the conclusion drawn in the DEIR, a similar study regarding the Theo Lacy Jail facility provides an excellent example of a "post" study analysis, where the original statistical analysis was conducted in 1987 and the follow-up analysis in 1994. The Theo Lacy study provided seven years of post construction data and the results still yielded *no statistical significance* between property values and proximity to the maximum security jail facility. The results from the sample areas within a one mile to four mile radius clearly indicated "no statistical difference" in commercial lease rates or residential sales values within the proximity to the jail.

2. Statistical Data is Thorough and Comprehensive

Unlike appraisals, where limited data is "selected", then arbitrarily adjusted, in our statistical analysis, *all* data was used. Every detectable residential sale or commercial lease transaction was included in the analysis. No convenient anecdotes, no arbitrary value judgements. All closed, arms-length, market transactions were reported. Moreover, the DEIR utilizes a square foot common unit of measurement specifically to eliminate arbitrary adjustments based upon size

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differences or perceptions of quality. Utilization of a common unit of measurement overcomes the virtual impossibility of making heterogeneously mixed individual paired analysis comparisons. A degree of homogeneity exists in this sample data primarily because of geographic proximity and common prevailing economic factors. All sample data points compiled for the test were gathered from the adjacent areas closest to the jail site, up to a two and a half mile proximity, utilizing all available information contained within the Dataquick Online Comps Service for residential analysis and the Grubb & Ellis Real Estate Marketing Information System for the industrial analysis. In excess of four hundred transactions were found. Sales transactions are a matter of public record. Surveying of opinions regarding potential values is patently invalid for statistical comparison of actual values. Conversely, lease negotiations are not a matter of public record. The brokers interviewed were those taken from the leasing signs displayed on the buildings in the immediate area closest to the jail site. These individuals would obviously be the most familiar with the business property leasing environment. The vast majority of the interviewees were either unaware of the proposed expansion or did not believe it had any impact on rates.

The objective of this study was to ascertain whether changes in property values in the vicinity of the jail site could cause a physical change to the environment. Statistical analysis can predict the impact of a facility before it is built to a certain degree, thus the expansion announcement itself is the only available causal factor which might allow us to render a conclusion. The effect on property values is measured by the rate of change in either lease rates per square foot or sales prices per square foot. The premise of this type of statistical analysis infers whether there is a significant impact on property values and lease rates. After several comparative analyses were conducted, we were unable to detect even a single comparison to show that statistically significant market conditions prevailed closer to the jail site versus further away. Finding no evidence of measurable differences in market conditions, it is impossible to reach any conclusion other than that contained in the DEIR. Moreover, it is obvious that negative physical changes to the environment caused by price changes can not occur when no negative price changes can be detected in the first place.

3. Residential Sales Activity and Property Values Have Continued To Be Within County Averages

Since the date of the DEIR, we have continued to observe market conditions in the study area. This two month period has been punctuated by highly visible public debate and community oversight. This additional time has allowed market participants to become better informed and react to that information.

Recently published data by the Los Angeles Times and Orange County Register clearly substantiate the original study conclusions as well as our most recent observations.

First, we exhibit specific transactions taken from the exact study area analyzed in the DEIR. Sales activity from the Dataquick On-line Comps database is summarized below for the Primary area and the Secondary area closest to the jail site as defined in the DEIR.

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The data from the two months of on-going data for the Primary and Secondary "A" areas is as follows:

<u>Month of Transaction</u>	<u>Number of Transactions</u>
July 1995	19
August 1995	18
September 1995	<u>13</u>
Total	50
July 1996	28
August 1996	21
September 1996	<u>16</u>
Total	66

What is notable about these transactions in the months of August and September is the sales price per square foot of \$114.55 as reported in the DEIR for the Primary area rose to \$118.98. Similarly, in the Secondary "A", the next closest area to the jail site, the sales price per square foot increased from \$108.69 to \$110.16. The continuation of the study indicates that prices have still increased and have not declined.

Secondly, a summary of median sales price changes by zip code for the month of September as reported in the Orange County Register October 6, 1996, (quoted from the Bloomberg Business News, source Dataquick Information Systems) and the Los Angeles Times October 8, 1996, (taken from Dataquick Information Systems) is as follows for the South Orange County cities. The two Tables are included as an attachment to this summary.

	<u>Orange County Register</u> 4 Wks of September <u>% Change from 1995</u>	<u>Los Angeles Times</u> Month of September <u>% of Change 1995</u>
Aliso Viejo	-2.1%	6.3%
Dana Point		
92624	N/A	-12.8%
92629	5.7%	1.9%
Irvine		
92604	N/A	-1.0%
92606	N/A	38.2%
92612	-10.9%	2.2%
92614	-2.2%	-9.6%
92620	N/A	32.5%
Laguna Beach	-7.0%	-25.1%
Laguna Hills	7.1%	-0.6%

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(Con't)

	<u>Orange County Register</u> 4 Wks of September <u>% Change from 1995</u>	<u>Los Angeles Times</u> Month of September <u>% of Change 1995</u>
Laguna Niguel	12.7%	-19.9%
Lake Forest	-4.6%	0.0%
Mission Viejo		
92691	6.5%	-2.7%
92692	9.1%	5.4%
Rancho Santa Margarita	6.0%	3.6%
San Clemente		
92672	5.0%	-3.2%
92673	5.2%	-0.8%
San Juan Capistrano	-4.2%	24.5%
Trabuco/Coto	-18.0%	-25.5%
Total Resales	<u>1.6%</u>	<u>0.0%</u>

Also included in the Los Angeles Times Dataquick summary are the number of September foreclosures by zip code. Although Lake Forest foreclosures are relatively high, four other South County cities have a total number of foreclosures higher than Lake Forest. Those cities are Laguna Niguel, Mission Viejo, Rancho Santa Margarita, and San Clemente. It is apparent from this data there are numerous other factors which come into consideration when trying to specifically identify the reasons for property value fluctuations.

In summary, it is evident from the recently published data and from the results of the DEIR, that the City of Lake Forest is not experiencing significant property market impacts despite the presence of numerous influences; the El Toro base closure, the general condition of the Orange County and Southern California economy, pending Federal tax legislation, or uncertain Federal Reserve monetary policy. In fact, the primary market area is exhibiting price, foreclosures and sale characteristics entirely consistent with many other Orange County cities. Any changes in property values and sales activity can not be legitimately attributable to any single event. We attempted to find causal relationships if indeed they existed. The DEIR has statistically demonstrated there is "no" statistical relationship between property values and proximity to the jail site and the latest published data supports this assertion.

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Orange County Home Sales

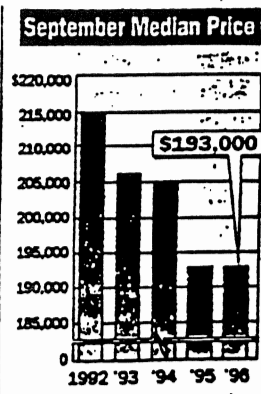
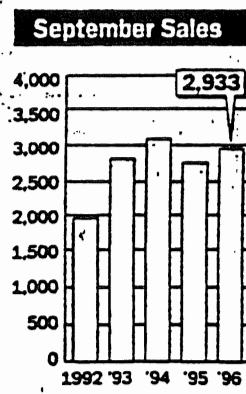
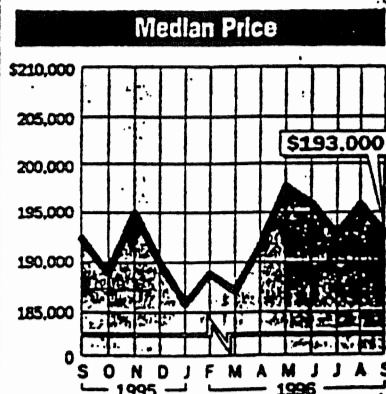
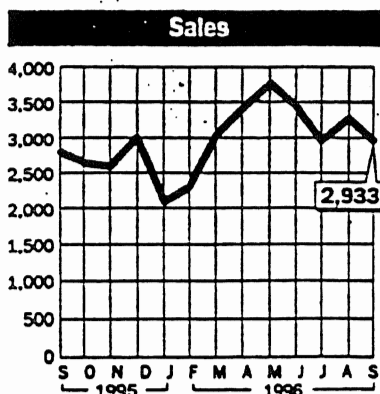


Orange County home sales totaled 2,933 in September, the second-highest volume for the month in the last five years. Sales were up 4.6% from the same period a year ago. The \$193,000 median price was the same last September.

Community	ZIP	Sales	Percent change	Median price	Percent change	Highest price	Lowest price	Community	ZIP	Sales	Percent change	Median price	Percent change	Highest price	Lowest price
Aliso Viejo	92656	126	1.6%	\$170,000	6.3%	\$323,000	21	La Palma	90623	14	-41.7%	\$211,000	-8.3%	\$300,000	2
Anaheim	92801	18	-25.0%	\$136,000	-4.9%	\$161,000	14	Laguna Beach	92651	32	23.1%	\$317,000	-25.1%	\$2,100,000	3
Anaheim	92802	16	0.0%	\$149,000	-0.7%	\$225,000	9	Laguna Hills	92653	83	38.3%	\$168,000	-0.6%	\$1,600,000	21
Anaheim	92804	52	26.8%	\$153,000	0.0%	\$235,000	23	Laguna Niguel	92677	146	41.7%	\$242,000	-19.9%	\$1,100,000	37
Anaheim	92805	32	-39.6%	\$135,000	-7.5%	\$227,000	29	Lake Forest	92630	71	-9.0%	\$179,000	0.0%	\$319,000	26
Anaheim	92806	22	46.7%	\$164,000	-7.3%	\$230,000	11	Los Alamitos	90720	13	18.2%	\$226,000	-24.7%	\$475,000	5
Anaheim	92807	45	-4.3%	\$195,000	-14.8%	\$410,000	17	Mission Viejo	92691	59	3.5%	\$179,000	-2.7%	\$303,000	17
Anaheim	92808	102	36.0%	\$153,000	0.7%	\$382,500	5	Mission Viejo	92692	125	56.3%	\$235,000	5.4%	\$432,000	27
Brea	92821	35	16.7%	\$202,000	3.3%	\$345,000	13	Newport Beach	92657	11	-50.0%	\$319,000	14.3%	\$503,000	0
Buena Park	90620	34	3.0%	\$161,000	-0.6%	\$260,000	18	Newport Beach	92660	40	0.0%	\$465,000	20.5%	\$2,000,000	3
Buena Park	90621	16	45.5%	\$142,000	-18.9%	\$315,000	10	Newport Beach	92661	9	80.0%	\$460,000	42.0%	\$1,300,000	0
Corona del Mar	92625	16	6.7%	\$452,000	-30.5%	\$825,000	2	Newport Beach	92663	26	0.0%	\$352,000	-37.1%	\$2,425,000	1
Costa Mesa	92626	35	6.1%	\$212,000	3.9%	\$380,000	19	Orange	92865	20	122.2%	\$158,000	-19.8%	\$245,500	6
Costa Mesa	92627	30	-16.7%	\$169,000	-19.5%	\$365,000	10	Orange	92866	9	50.0%	\$162,000	-9.2%	\$210,500	7
Cypress	90630	56	64.7%	\$233,000	13.1%	\$294,000	14	Orange	92867	27	-27.0%	\$310,000	44.2%	\$840,000	7
Dana Point	92624	8	0.0%	\$218,000	-12.8%	\$947,500	2	Orange	92868	18	50.0%	\$118,000	-24.4%	\$180,000	5
Dana Point	92629	38	-9.5%	\$219,000	1.9%	\$840,000	14	Orange	92869	51	88.9%	\$233,000	27.7%	\$800,000	10
Foothill Ranch	92610	83	53.7%	\$193,000	-12.5%	\$340,500	3	Placentia	92870	32	60.0%	\$213,000	2.4%	\$505,000	13
Fountain Valley	92708	58	3.6%	\$216,000	-5.3%	\$369,000	13	R. Santa Margarita	92688	83	13.7%	\$171,000	3.6%	\$275,000	31
Fullerton	92831	21	10.5%	\$211,000	38.8%	\$425,000	3	S. Juan Capistrano	92675	53	65.6%	\$203,000	24.5%	\$775,000	14
Fullerton	92832	10	0.0%	\$135,000	-9.1%	\$169,000	5	San Clemente	92672	53	15.2%	\$215,000	-3.2%	\$1,315,000	30
Fullerton	92833	34	41.7%	\$170,000	13.3%	\$335,000	17	San Clemente	92673	38	-20.0%	\$257,000	0.8%	\$500,000	3
Fullerton	92835	26	13.0%	\$210,000	-4.5%	\$662,500	5	Santa Ana	92701	27	-46.0%	\$132,000	36.1%	\$175,000	15
Garden Grove	92840	27	-34.1%	\$136,000	-8.7%	\$180,000	14	Santa Ana	92703	27	-10.0%	\$122,000	-4.7%	\$160,000	22
Garden Grove	92841	22	-4.3%	\$149,000	-3.9%	\$230,000	6	Santa Ana	92704	38	-22.4%	\$118,000	-18.1%	\$219,000	35
Garden Grove	92843	28	18.2%	\$132,000	-6.7%	\$183,000	13	Santa Ana*	92705	37	54.2%	\$259,000	-16.2%	\$935,000	23
Garden Grove	92844	14	-22.2%	\$133,000	-8.6%	\$185,000	2	Santa Ana	92706	29	38.1%	\$154,000	0.7%	\$230,000	9
Garden Grove	92845	12	-42.9%	\$177,000	1.1%	\$212,000	6	Santa Ana	92707	45	9.8%	\$132,000	2.3%	\$213,000	37
Huntington Beach	92646	43	-4.4%	\$214,000	8.6%	\$485,000	19	Sisal Beach	90740	14	0.0%	\$281,000	4.9%	\$500,000	2
Huntington Beach	92647	47	4.4%	\$212,000	7.1%	\$335,000	17	Stanton	90680	19	46.2%	\$101,000	-15.8%	\$150,000	15
Huntington Beach	92648	59	43.9%	\$261,000	22.5%	\$915,000	7	Trabuco/Costa	92679	112	38.3%	\$237,000	-25.5%	\$651,000	15
Huntington Beach	92649	42	-12.5%	\$251,000	-0.4%	\$775,000	1	Tustin	92782	18	-21.7%	\$188,000	-13.8%	\$424,000	1
Irvine	92604	31	47.6%	\$192,000	-1.0%	\$297,500	14	Villa Park	92861	13	30.0%	\$445,000	3.1%	\$1,343,000	2
Irvine	92606	17	54.5%	\$340,000	38.2%	\$429,909	1	Westminster	92683	56	-21.1%	\$168,000	2.4%	\$305,000	26
Irvine	92612	41	86.4%	\$250,000	2.2%	\$700,000	6	Yorba Linda	92886	53	-1.9%	\$236,000	0.0%	\$575,000	14
Irvine	92614	29	52.6%	\$235,000	-9.6%	\$500,000	10	Yorba Linda	92887	32	6.7%	\$312,000	4.7%	\$500,000	5
Irvine	92620	34	6.3%	\$277,500	32.5%	\$537,000	5	Others		3					10
La Habra	90631	42	-2.3%	\$150,000	4.9%	\$290,000	26	Countywide		2,933	4.6%	\$193,000	0.0%	\$2,425,000	923

*Includes Lemon/Cowan Heights

Sales, Price Trends



ORANGE COUNTY HOME SALES AND PRICES

For the four weeks ended Sept. 25, home sales rose about 6 percent compared with the same period last year.
Median prices continued to show improvement, rising 1.6 percent to about \$196,000.

CITY	ZIP CODE	MEDIAN SALE PRICE		SALES VOLUME		CITY	ZIP CODE	MEDIAN SALE PRICE		SALES VOLUME	
		PREV. 4 WEEKS	% CHANGE FROM '95	PREV. 4 WEEKS	% CHANGE FROM '95			PREV. 4 WEEKS	% CHANGE FROM '95	PREV. 4 WEEKS	% CHANGE FROM '95
Aliso Viejo	92656	\$183,000	-2.1%	115	-25.3%	Laguna Niguel	92677	\$266,000	12.7%	151	32.5%
Anaheim	92801	\$124,000	-12.7%	24	-29.4%	Lake Forest	92630	\$188,000	-4.6%	91	-18.0%
Anaheim	92802	\$148,000	-6.3%	27	68.8%	Los Alamitos	90720	\$249,000	-3.5%	15	-42.3%
Anaheim	92804	\$154,000	6.9%	42	-31.1%	Midway City	92655	n/a	n/a	1	n/a
Anaheim	92805	\$165,000	5.8%	51	45.7%	Mission Viejo	92691	\$196,000	6.5%	70	-2.8%
Anaheim	92806	\$177,000	-3.3%	16	-33.3%	Mission Viejo	92692	\$240,000	9.1%	122	32.6%
Anaheim	92807	\$203,000	-11.4%	58	75.8%	Newport Beach	92657	\$486,000	n/a	12	n/a
Anaheim	92808	\$187,000	11.3%	39	-26.4%	Newport Beach	92660	\$395,000	9.7%	47	95.8%
Brea	92821	\$203,000	2.5%	49	44.1%	Newport Beach	92661	\$544,000	39.8%	9	12.5%
Brea	92823	n/a	n/a	3	n/a	Newport Beach	92662	n/a	n/a	n/a	n/a
Buena Park	90620	\$167,000	4.4%	41	20.6%	Newport Beach	92663	\$420,000	45.8%	20	33.3%
Buena Park	90621	\$145,000	2.8%	21	16.7%	Orange	92862	\$182,000	n/a	64	n/a
Corona del Mar	92625	\$547,000	1.5%	22	214.3%	Orange	92865	\$157,000	-7.6%	9	-50.0%
Costa Mesa	92626	\$181,000	-13.4%	33	26.9%	Orange	92866	\$173,000	-5.5%	6	0.0%
Costa Mesa	92627	\$193,000	6.6%	35	-12.5%	Orange	92867	\$228,000	n/a	24	n/a
Cypress	90630	\$226,000	21.5%	61	38.6%	Orange	92868	\$149,000	-2.0%	14	27.3%
Dana Point	92624	\$218,000	n/a	8	n/a	Orange	92869	\$194,000	-7.6%	32	6.7%
Dana Point	92629	\$224,000	5.7%	51	59.4%	Placentia	92870	\$176,000	-11.6%	39	-15.2%
Foothill Ranch	92610	\$218,000	1.4%	9	28.6%	Rancho Santa Margarita	92688	\$178,000	6.0%	108	24.1%
Fountain Valley	92708	\$233,000	13.7%	64	-1.5%	San Clemente	92672	\$229,000	5.0%	60	62.2%
Fullerton	92831	\$151,000	-20.1%	20	-9.1%	San Clemente	92673	\$261,000	5.2%	35	-5.4%
Fullerton	92832	\$139,000	-4.8%	13	-18.8%	San Juan Capistrano	92675	\$182,000	-4.2%	56	69.7%
Fullerton	92833	\$186,000	23.2%	35	2.9%	Santa Ana	92701	\$96,000	-13.5%	24	-41.5%
Fullerton	92835	\$221,000	8.9%	34	25.9%	Santa Ana	92703	\$115,000	-10.2%	31	-13.9%
Garden Grove	92840	\$149,000	-5.7%	39	18.2%	Santa Ana	92704	\$118,000	-15.1%	64	-3.0%
Garden Grove	92841	\$163,000	3.2%	29	52.6%	Santa Ana	92705	\$228,000	6.5%	55	61.8%
Garden Grove	92843	\$148,000	2.8%	41	86.4%	Santa Ana	92706	\$162,000	-4.1%	21	-25.0%
Garden Grove	92844	\$114,000	-17.4%	20	122.2%	Santa Ana	92707	\$133,000	3.9%	43	-8.5%
Garden Grove	92845	\$184,000	-0.5%	16	-11.1%	Seal Beach	90740	\$306,000	55.3%	19	375.0%
Huntington Beach	92646	\$222,000	0.0%	61	8.9%	Stanton	90680	\$109,000	-7.6%	18	-25.0%
Huntington Beach	92647	\$196,000	-0.5%	38	5.6%	Trabuco/Coto	92679	\$237,000	-18.0%	160	201.9%
Huntington Beach	92648	\$325,000	16.9%	53	-5.4%	Tustin	92680	\$204,000	39.7%	22	10.0%
Huntington Beach	92649	\$258,000	19.4%	44	4.8%	Tustin	92782	\$170,000	n/a	20	n/a
Irvine	92604	\$196,000	n/a	57	n/a	Villa Park	92861	\$498,000	-12.1%	4	0.0%
Irvine	92606	\$228,000	n/a	11	n/a	Westminster	92683	\$179,000	1.1%	75	9.0%
Irvine	92612	\$317,000	-10.9%	21	-27.6%	Yorba Linda	92886	\$222,000	-10.1%	43	-39.4%
Irvine	92614	\$269,000	-2.2%	9	-35.7%	Yorba Linda	92887	\$270,000	-9.7%	31	24.0%
Irvine	92620	\$251,000	n/a	55	n/a						
La Habra	90631	\$146,000	-0.7%	48	23.1%	Total resales		\$203,000	0.5%	2,181	5.3%
La Palma	90623	\$227,000	1.8%	20	53.8%	Total condominiums		\$129,000	2.4%	477	3.9%
Laguna Beach	92651	\$388,000	-7.0%	26	44.4%	Total new homes		\$242,000	16.3%	511	12.8%
Laguna Hills	92653	\$195,000	7.1%	92	16.5%						

n/a - Not available

4-WEEK MEDIAN PRICES

All O.C. homes sold (in thousands)



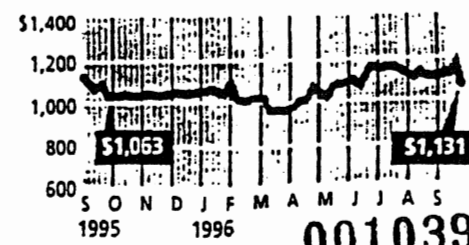
4-WEEK SALES VOLUME

All O.C. homes



4-WEEK O.C. HOME PAYMENTS

Single-family home at avg. 30-year fixed-rate mortgage



Project Alternatives

CEQA requires the consideration of project alternatives which are capable of avoiding significant environmental damage. Only feasible project alternatives are required to be discussed. The term "feasible" within the context of CEQA means capable of being accomplished in a successful manner considering economic, environmental, social and technological factors. The statute does not demand what is not realistically possible given the limitation of time, energy, and funds, and also does not consider the alternatives whose implementation is remote and speculative. What the EIR must provide is information sufficient to permit a reasonable choice in alternatives so far as the environmental aspects are concerned. An alternative should offer substantial environmental advantages over the project proposal. The County includes in its analysis 24 alternatives, including alternatives that were considered during the Draft EIR preparation and then rejected as infeasible. CEQA does not require pursuits down blind alleys or unfruitful investigations, but only those alternatives necessary to permit a reasonable choice. What CEQA and case law also allow is the decision-makers and the public to generate their own alternatives, so long as there is sufficient information from which to extrapolate the impacts of hypothetical alternatives.

Of particular value to this EIR has been the long line of EIRs which preceded it. The County has laboriously examined a series of alternatives both in prior EIRs and on an ongoing basis through later EIRs on specific jail projects.

However, the County is subject to a very special practical disability that bears directly on the feasibility of alternatives. As explained in the Responses to Comments and in the Draft EIR itself, the county Bankruptcy Recovery Plan has caused county property to be secured by Certificates of Participation. As explained in the responses to a letter from Supervisor Marian Bergeson, and included in the Responses to Comments package, this constitutes a very special and difficult problem for the County. Although there is the ostensible legal opportunity to substitute property for the Musick site or to sell the Musick site and replace it with property of equivalent value, there are practical impossibilities to these means for the foreseeable future. First, the County does not possess property which can be substituted at this time. Although several commentators have suggested that the regional parks are an appropriate substitute, the County is barred by state law from substituting these parks and establishing a jail site. Similarly, the County does not own the Reuse Plan area as of yet, and is unable to substitute it for the Musick site. The simultaneous substitution of other county property or of other equivalent property is a requirement as indicated in the Responses to Comments.

However, even though there has been debate over alternatives, whether they are feasible, and whether the expansion of the jail should be based somewhere other than the Musick site, the key consideration in CEQA is that alternatives be selected in a manner that reduces the significant environmental impacts of the project. As demonstrated in the EIR and in the Responses to Comments, there are no significant environmental impacts of the project. Therefore, it is not an answer under CEQA to say that an alternative which has environmental attributes superior to the Musick site can be substituted for the Musick site merely because there is opposition to the jail.

For example, it has been suggested that county regional parks be used, and the EIR examines this in connection with Aliso Wood Canyon Regional Park, since the U.S. Fitness Academy was once located in a park. Caspers Park East has also been suggested. There are many county regional parks, but they all suffer from virtually the same handicap. First, all regional parks in the county have federal and state grants. Once the county accepts such a grant it has to accept the grant restrictions. This means that in order to establish a non-recreational use (certainly there should be no argument that a jail is not a recreational use), an act of the legislature is required to approve an act in conflict with the grant, if the grant is a state grant, and a decision of the Secretary of the Interior is required in a similar circumstances if it is a federal grant.

Another important aspect of park use for non-recreational purposes has to do with the concept of abandonment. Under state law, a public hearing is required at the Board of Supervisors in order to consider "abandoning" a park to a non-recreational use. If 200 signatures of registered voters are received by the Board of Supervisors on this issue, the state law removes the matter from the Board's hands and the matter is scheduled for a general election. Although there has never been an abandonment in county history, the presence of a jail in any of the county regional parks would foreseeably precipitate tremendous controversy, no doubt approaching the level of the 200 signature requirement. Furthermore, a project alternative for a site in a regional park - in any of the county regional parks - would have significant impacts on the physical environment that are not present with the Musick alternative. Therefore, those types of alternatives do not meet the dictates of CEQA in seeking to reduce significant environmental effects, and would actually increase them. The search for a county jail site for a major expansion has been long and arduous, the County has actually sited a long-term jail before, only to have the site abandoned in 1991 by the Board of Supervisors. The county bankruptcy, and the manner in which the county has recovered from the bankruptcy severely restrict the County's options. These are all elements of feasibility which the California Environmental Quality Act readily recognizes. CEQA is not a law which require exercises in futility, or comprehensive searches for a site or an alternative that cannot be successfully implemented. Therefore, the County's discussion of alternatives is adequate and more comprehensive than would be required by state law.

Cumulative Impacts

The primary command of CEQA is that a Draft EIR must discuss cumulative impacts when they are significant. If they are not deemed significant, what the EIR must do is explain the basis for the conclusion. This is exactly what the EIR 564 has done. Plainly stated, the jail's environmental effects are so small that whether considered independent of any other project or considered together with any other project or projects, the jail simply does not contribute one way or the other to environmental impact. This is amply demonstrated in the EIR.

Commentors have been critical of the fact that the EIR makes this observation. Furthermore, commentors have been critical that the Reuse Plan will contribute in combination with the Musick jail expansion to impacts that would be more significant than stated in the Musick jail EIR. There are at least two answers to this contention. First, the Musick jail has been combined with the Reuse Plan EIR project in the Reuse Plan EIR. Furthermore, evaluation of the Reuse Plan taken in combination with the Musick jail was performed for this analysis and it was concluded that the effects were negligible. They are hardly significant, when it is considered that the jail is approximately 1/100 of the traffic of the Reuse Plan.

Since the jail's traffic study takes into account all other approved projects by modeling, since the City of Irvine's Planning Area 30 is essentially the same impact as the Reuse Plan project (and the City of Irvine has no control over the land in the Reuse Plan at this time), impacts are not significant whether considered individually or taken in combination. Simply stated, the jail is much too small an impact to figure in a cumulative impacts analysis no matter how or with what it is combined. CEQA requires no more than this observation.

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**Response to Letter dated August 27, 1996
from C. Brian Connors**

COMMENT 1: This comment reflects the commentor's opposition to the jail expansion project on both a property value basis and a perception basis of living next to "hard core criminals." Please see the Socioeconomic Effects discussion in the foreword of this Responses to Comments for a response to this issue, which is raised by many other commentors in this Responses to Comments package.